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**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. 829 of 2013**

IN THE MATTER OF:

S.G. Vombatkere & Anr

...Petitioners

Versus

Union of India & Ors.

...Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF THE PETITIONERS TO THE
APPLICATION FOR MODIFICATION OF ORDER DATED
23.09.2013 FILED BY THE UNION OF INDIA THROUGH
SECRETARY, MINISTRY OF PETROLEUM AND NATURAL GAS**

I, Bezwada Wilson, S/o Late Shri Yacob, aged about 47 years, R/o 36/13 Ground Floor, East Patel Nagar, New Delhi, do hereby solemnly affirm and state as follows:-

1. I am the Petitioner No.2 in the captioned Writ Petition, I am fully conversant with the facts and circumstances of the present case and am competent to depose to this affidavit on behalf of the Petitioners.
2. I say that the captioned Writ Petition is connected to (i) WP (c) No. 494 of 2013 (Justice K.S. Puttaswamy (Retd) & Anr v/s Union of India & Ors) (ii) WP (c) No. 833 of 2013 (Aruna Roy v/s Union of India & Ors) and other Transfer Petitions filed by the Union of India namely T.P (c) No.47-48 of 2013, T.P (c) No.476 of 2013. I say that by an order dated 19.09.2013, this Hon'ble Court was pleased to list the captioned Writ Petition with WP (c) No.494 of

2013. I say that after the order dated 19.09.2013, all the above matters are being heard together by this Hon'ble Court. A copy of the order dated 19.09.2013 is annexed hereto and marked as **ANNEXURE – P/16-(PAGES 29 TO)**.

3. The common thread in all these matters is that they are filed in public interest and the core challenge in these matters is the violation of basic human rights as a result of the Unique Identification Project ("UID Project") being implemented by the Respondents.
4. I say that on 23-9-2013, this Hon'ble Court heard all the parties in (i) WP (C) No. 494 of 2013 (ii) captioned Writ Petition i.e. WP (C) No. 829 of 2013 and (iii) T.P (C) No.47-48 of 2013, T.P (C) No.476 of 2013 at the admission stage and granted the following reliefs:
 - a) Allowed the abovementioned Transfer Petitions filed by the Union of India;
 - b) Issued notice in the captioned writ petition;
 - c) Directed that all the connected matters be listed together for final hearing;
 - d) Passed an interim order directing that no person should suffer for not getting the Aadhaar card despite circulars issued by any authority making it mandatory. This Court also directed that when any person applies to get the Aadhaar Card voluntarily, it may be checked whether the person is

entitled for it under the law and that it should not be given to any illegal immigrant.

It is clear from the order itself that interim relief was granted in all matters. A copy of the order dated 23.09.2013 is annexed hereto and marked as **ANNEXURE – P/17-(PAGES 30 TO 33)**.

5. I say that after the interim order dated 23.09.2013 was passed, Applications viz. I.A Nos. 2, 3, 4, 5 & 6 of 2013 have been filed by or on behalf of Union of India in Writ Petition (C) No. 494 of 2013 ("the said Applications") purporting to seek a clarification of the order dated 23.09.2013. The following is the list of parties which have filed the said Applications:

- a) I.A No. 2 filed by Union of India, through Ministry of Petroleum and Natural Gas for impleadment and clarification of order dated 23.09.2013.
- b) I.A No.3-5 filed by Indian Oil Corporation Ltd, Bharat Petroleum Corporation Ltd and Hindustan Petroleum Corporation Ltd. for clarification of order dated 23.09.2013.
- c) I.A No.6 filed by Unique Identification Authority of India (Respondent No.3 in the captioned matter) for modification/clarification of order dated 23.09.013.

6. I say that pursuant to directions of this Hon'ble Court, I have been served the copy of the I.A No. 2 of 2013 filed by Union of India,

through Ministry of Petroleum and Natural Gas through my Advocates and I have gone through the contents thereof. I am filing the present affidavit in reply to place on record true and correct facts for consideration of this Hon'ble Court and to oppose grant of any relief in this Application.

A. PRELIMINARY SUBMISSIONS

7. At the outset, I say that the order dated 23.09.2013 passed by this Hon'ble Court is absolutely clear. More significantly, it was passed after hearing the Union of India. In such circumstances, I state that there is no merit in filing the present Application for clarification under frivolous pretexts. Hence, the Application deserves to be rejected with costs.
8. Without prejudice to the above, as stated hereinafter, the said Applications seek to canvass a case which is completely contradictory to what was placed before this Hon'ble Court by the Union of India on 23.09.2013. I humbly submit that this Hon'ble Court ought not to permit any party to approbate and reprobate its position and on this ground alone the said Applications deserve to be rejected.
9. In any event, I say that by the said order dated 23.09.2013 as well as order dated 8.10.2013 this Hon'ble Court observed that all petitions require to be heard finally and accordingly this Hon'ble Court has been pleased to issue appropriate directions for listing

the matters. As such, I respectfully submit that hearing of the said Applications be deferred till vital issues of constitutionality of UID Project and violation of fundamental rights are heard by this Hon'ble Court. A copy of the order dated 08.10.2013 is annexed hereto and marked as **ANNEXURE-P/18-(PAGES 34 TO 35)**.

10. Without prejudice to any of the above submissions, I say that in addition to the submissions made hereunder, the averments contained in captioned Writ Petition and the Interim Application filed along with the Writ Petition may be treated as a part of this affidavit. I say that the foundation of the writ petition filed by the Petitioners herein and other connected matters goes to the root of introduction as well as implementation of the UID Project. I say that a strong case is made out that each new enrolment is illegal and unconstitutional. In such circumstances, before a hearing is granted on purported clarifications sought in the Applications, it is imperative that Respondents and the Applicants in the Said I.A's provide a satisfactory explanation on serious issues of privacy, security etc. raised in the all connected matters.

11. I also state that the petitioners herein are not opposed to any welfare schemes of the Union of India or its departments which are launched in public interest. However, I say that every welfare scheme of the government must pass muster with the constitutional safeguards. As elaborated in detail below, the UID

Project as conceived and implemented fails to fulfil basic norms prescribed by the constitution.

B. CONTRADICTIONS/MISREPRESENTATIONS OF THE UID PROJECT

(i) VOLUNTARINESS OF UID PROJECT

12. It is essential to bring on record the apparent contradictions in the position taken by the Respondents with regard to voluntariness of Aadhaar card and the UID Project. Following are some the instances where the Union of India have expressly represented that Aadhaar Number is not mandatory:

- i) The Minister of State for Parliamentary Affairs while replying to a related question in the Rajyasabha has expressly taken a position that Aadhaar card is not mandatory for any purpose, including availing subsidies and "if any public sector undertaking is doing it, the same will be corrected". A copy of the media report published in 'The Hindu' on 23.08.2013 is annexed hereto and marked as **ANNEXURE – P/19 – (PAGES 36 TO)**
- ii) The Unique Identification Authority of India ("UIDAI") (Respondent No. 3 in the captioned writ petition) has always maintained that Aadhaar card would not be mandatory. A copy of media report published in The Hindu on 12.05.2010 reflecting the position taken by representative (Chairman) of UIDAI on Aadhaar card being voluntary is annexed hereto and marked as **ANNEXURE – P/20-(PAGES 37 TO 38).**

Contrary to this position, the representative (Chairman) of UIDAI is a part of long list of Committees connected to the Union of India which have decided to make Aadhaar card mandatory. A copy of the media report published in 'Money Life' demonstrating this apparent contradiction is annexed hereto and marked as **ANNEXURE – P/21 – (PAGES 39 TO 41)**.

- iii) The Counter Affidavit filed by Union of India in WP (C) No. 494 of 2012 expressly states at multiple places that Aadhaar card is only voluntary. This position was also taken during the hearing before this Hon'ble Court on 23-9-2013. However, this I.A is completely contradictory and seeks judicial sanction from this Hon'ble Court for making Aadhaar Card a pre-requisite for availing basic services of the government.

It is submitted that it is such equivocation by the Union of India that has caused much confusion in the minds of people and that, if anything, the order dated 23.09.2013 passed by this Hon'ble Court is amply clear and helps clarify that no authority should insist on Aadhaar for any purpose and requires no further clarification or modification.

(ii) Legislative Framework

13. Although the UID Project was launched in September, 2010, the 'National Identification Authority of India Bill, 2010' was introduced

in the Parliament on 3.12.2010. This Bill was referred to the Parliamentary Standing Committee on Finance which tabled its report in Parliament in 13.12.2011. Not only did the Committee find that the Bill was wanting in several respects, it also expressed its disapproval on how the Union Government had proceeded with the project even when it awaited an all-important Parliamentary sanction. The report of the Committee states:

"The clearance of the Ministry of Law & Justice for issuing aadhaar numbers, pending passing the Bill by Parliament, on the ground that powers of the Executive are co - extensive with the legislative power of the Government and that the Government is not debarred from exercising its Executive power in the areas which are not regulated by the legislation does not satisfy the Committee. The Committee are constrained to point out that in the instant case, since the law making is underway with the bill being pending, any executive action is as unethical and violative of Parliament's prerogatives as promulgation of an ordinance while one of the Houses of Parliament being in session.... The Committee would, thus, urge the Government to reconsider and review the UID scheme as also the proposals contained in the Bill in all its ramifications and bring forth a fresh legislation before Parliament."

Despite this, the Union of India has proceeded with the implementation of the UID Project without any regard to the need for an effective legislative framework and certainty in the policy.

(iii) NATIONAL SECURITY

14. The UID Project seeks to create a centralized database of sensitive information of citizens/residents without adequate safety of this information. The process of collection and storage of this information is handled by a huge network of private agencies making the information vulnerable to attack. In fact, there is a strong possibility of handing over of this data to foreign companies without any regulation. Recognising this, the Union Home Ministry has expressed serious concern on security of the country in view of unreliable methodology being used for enrolment. A copy of the media report published in the DNA referring to the position taken by the Union Home Ministry is hereto annexed and marked as **ANNEXURE – P/22 – (PAGES 42 TO 43)**. Despite this, the Union of India has proceeded with the implementation of the UID Project without any regard to the concerns expressed earlier by the Union Home Ministry.
15. It is respectfully submitted that the abovementioned contradictions fortify the case of the Petitioners herein on the need for an effective legislative framework for protecting the fundamental rights of the citizens. It also indicates the whimsical manner in

which the UID Project is being implemented without any regard to the serious issues of constitutionality attached to this project.

C. UID PROJECT IS UNCONSTITUTIONAL

16. I say that the 'Direct Benefit Transfer for Consumers of Liquefied Petroleum Gas' ('DBTL Scheme') works on a platform provided by the UID Project. Before dealing with the contents of this I.A and without prejudice to the contents of the captioned writ petition, it is essential to reiterate that the UID Project is illegal and violates fundamental rights in the following manner:

- a) Ultra Vires: No legislative Scheme: The Union of India through executive fiat alone and without any legislative safeguard is employing a network of private players to obtain sensitive, personal biometric information of residents in India, including Indian citizens. The exercise of obtaining this information alters fundamentally the relationship between citizen and State. The State seeks to create a vast databank containing personal information that can be exploited by the State or private entities against the interest of the citizen/residents and without the knowledge of the citizen/residents. This exercise is plainly ultra vires inasmuch as it is being undertaken:
 - (i) Without any legislative sanction to conduct the exercise;
 - (ii) Without any amendment to existing laws relating to citizenship;

- (iii) Without any amendment to the Constitution of India relating to citizenship;
- (iv) Without any statutory guidance or limitation on who can collect the biometric information or how it is to be collected;
- (v) Without any statutory provision regarding how the biometric information is to be stored and secured throughout the chain beginning with acquisition of biometric data and other demographic information until the stage of storage;
- (vi) Without any statutory limitation on when the information can be used or by whom it can be used.

The collection of personal biometric information directly impacts the autonomy of an individual and his/her person. Any exercise on a national scale to secure every individual's biometrics without any legislative safeguards on use, storage, etc. amounts to a direct and nationwide assault on individual freedom. The impugned actions violate Article 21 of the Constitution of India inasmuch as the executive arm of the State is collecting personal biometric information without any sanction of law and in the knowledge that this information can be used against individuals to impinge their liberty. The State is prevented by the Constitutional mandate from interfering in individual pursuits, community pursuits and enterprise of any type except in a manner recognized by the Constitution and provided by law.

Further, it is submitted that the activity of obtaining personal biometric information of an individual cannot be engaged in

by the State regardless of whether or not an individual voluntarily gave this information, save and except under a valid law. Here, without any legislative backing, the State is collecting sensitive, personal and biometric information that potentially may be used for the benefit of the individual or to the detriment of the individual or even not used at all. The moment information of this type is sought to be collected by the State, under the Constitutional scheme there must be legislative backing. Absent any legislative backing, the UID project by its very invasive nature is ultra vires and void.

- b) No Informed Consent: This information is being obtained by the State from unsuspecting individuals who are merely seeking a reliable identification (ID) at the time of obtaining this information. Individuals are neither counselled nor informed that there is no statutory protection with regard to misuse of sensitive personal biometric information they are parting with;
- c) Private Parties Collecting Information without Safeguards: The personal sensitive biometric information is not being collected from residents by any statutory authority or government agency and the exercise in the field is being carried out by private entities for profit and these parties are not subject to any legislative oversight or administrative oversight by any statutory authority. Under no

circumstances, much less under an unregulated, non-statutory project such as the impugned project can the State cede dominion over personal data that can severely prejudice an individual.

- d) **Private Dominion over Biometrics Without Government Control:** Privatisation of biometric information of millions of residents which include Indian citizens poses an enormous threat to the autonomy of an individual and his personal liberty.
- e) **Commercial Largesse:** Private entities have been allowed to obtain this information from citizens/residents under the framework of UID Project without regard to the immense commercial wealth of biometric information that is being captured on privately owned computers and databases over which the government has no control.
- f) **Security of Collected data:** In addition to the haphazard and unreliable manner employed by the Respondents in collecting data, it appears that there is no secure manner in which the data will be stored; The UIDAI is also actively promoting 'Data Sharing Policy' with all State Governments which is strongly indicative of easy transferability of the collected information without any statutory checks.
- g) **Surveillance:** There are several organizations within the government such as the Intelligence Bureau, Research and

Analysis Wing (RAW), National Intelligence Grid etc which are outside the purview of legislations and are in fact exempt from disclosures under the Right to Information Act. There is a strong apprehension that these agencies can track individuals on real time basis increasing the scope of general public surveillance which is impermissible under the Constitution of India.

- h) **Compromise of data security:** UIDAI has contracted out work like creation of its Central ID Repository (CIDR) to foreign firms like L-1 Identity Solutions (Safran), which are intimately connected with foreign intelligence agencies. This is relevant because biometric impression of Indian citizens and residents can be easily transmitted to foreign governments who will then have access to the biometrics of Indian residents, potentially imperiling national security and severely undermining the privacy and autonomy of individuals.
- i) **Invasion of Privacy and undermining human dignity:** The UID Project as conceived and implemented results in extreme invasion of privacy and a violation of Article 21 in respect of persons who are issued a Aadhaar Card. The UID Project also assaults the dignity of the individual by compelling persons on pain of exclusion from society to part with biometric information.

- j) Coercion to part with Biometrics: The Aadhaar number is not being issued only to disadvantageous persons who require some authentic identification for receiving benefits. It aims at making Aadhaar number mandatory for basic services for all citizens. In this manner, individuals are being coerced into parting with biometrics otherwise, essential services will be withheld from them.
- k) Failure to provide an option to 'Opt Out': The Petitioners submit that in order to pass the test of reasonableness and rationality, any scheme ought to have an option to opt out. Quite apart from the issue of informed consent, the UID Project does not give an individual an option to opt out after enrolling. This itself violates article 19 and article 21 of the Constitution.
- l) Flawed Introducer and Verifier System: The procedure adopted by the Respondent (through private entities) for securing enrolment for Aadhaar card includes a process of enrolment by 'introducers' in cases where individuals do not have identification documents. There are no criteria for the 'introducer' to know the individual thereby compromising the enrolment process.
- m) Unreliability of Biometrics: The biometrics collected from individuals is an extremely unreliable and unproven technology as observed elsewhere in the world. Without

adequate scientific studies, the UID Project has been launched and is implemented in a hasty manner. I say that serious defects in collection of biometrics have come to light. One individual in the State of Kerala was enrolled and issued two Aadhaar numbers. In this case, the fingerprints and iris scan of the individual seem to have passed the so-called 'robust' de-duplication test of UIDAI. A copy of media report published in 'Moneylife' recording this incident is annexed hereto and marked as **ANNEXURE – P/23 – (PAGES 44 TO 45)**. Apart from the unreliability of biometrics generally, for certain segments of the population biometrics in the form of finger print and iris scans are not possible to capture because of physical limitations and they are treated as 'biometrics exceptions'. No reliable alternative method is adopted by the Respondents when issuing Aadhaar numbers to such persons and this has not only compromised the data base but is facilitating fraud. For instance, in Delhi the UIDAI has cancelled 3.84 lakh Aadhaar numbers of the total 4.10 lakh generated under the biometric exception clause. A copy of media report published in 'Hindustan Times' which records this fact, is annexed hereto and marked as **ANNEXURE – P/24 – (PAGES 46 TO 47)**.

17. It is humbly submitted that till date there is no response on any of the above issues raised in the writ petitions. Instead of filing an

appropriate response for satisfying this Court on serious issues of constitutionality of UID Project, the Respondents have resorted filing the Said I.A's emphasising on expenditure incurred for the UID Project. It is submitted that in absence of an explanation, adverse inference must be drawn by this Hon'ble Court on lack of adequate checks and measures in the implementation of UID Project.

D. INSTANCES OF COERCION FOR ENROLMENT OF AADHAAR

18. In fact, without regard to the above serious issues, the Respondents are insisting on Aadhaar number as a condition precedent for providing basic services to citizens. Set out below is an inexhaustive list of orders, resolutions and media reports demonstrating the coercive action of the Respondents:

(i) The Government of NCT of Delhi, Revenue Department has issued an order on 20-12-2012 making Aadhaar number compulsory for registration of marriages as well as for registration of various documents in the Sub Registrar Offices. Annexed A copy of the order dated 20.12.2012 is annexed hereto and marked as **ANNEXURE – P/25 – (PAGES 48 TO 50)**.

(ii) The State of Maharashtra by its Government Resolution dated 03.06.2013 has made Aadhaar number mandatory for government employees for drawing salary. A copy of the order dated 03.06.2013 is annexed hereto and marked as **ANNEXURE – P/26 – (PAGES 51 TO 52)**.

- (iii) Similarly, the State of Jharkhand has also made Aadhaar number compulsory for registration of documents in the Sub Registrar Offices. A copy of the media report from 'The Pioneer' and 'NDTV' dated 22.05.2013 is annexed hereto and marked as **ANNEXURE – P/27 – (PAGES 53 TO)**.
- (iv) The State of Karnataka has made Aadhaar number mandatory for availing benefits under government schemes such as social security pensions, LPG connection, ration card etc. A copy of the media report from 'Deccan Herald' dated 03.07.2013 is annexed hereto and marked as **ANNEXURE – P/28 – (PAGES 54 TO)**.
- (v) The Ministry of Petroleum & Natural Gas has made Aadhaar number mandatory for 'Direct Benefit Transfer' scheme for LPG customers. A copy of the media report from 'Business Standard' dated 15.05.2013 is annexed hereto and marked as **ANNEXURE – P/29 – (PAGES 55 TO 56)**.
- (vi) The Ministry of Rural Development has made it mandatory for every beneficiary under 'The Mahatma Gandhi National Rural Employment Guarantee Scheme' to have an Aadhaar number. A copy of the strategy paper dated Nil available on the website of UIDAI is annexed hereto and marked as **ANNEXURE – P/30 – (PAGES 57 TO 58)**.

19. It is humbly submitted that all the above decisions have been taken under the aegis of the Union of India. I say that if the Union of India maintains that UID Project is voluntary, no plausible explanation is forthcoming on what basis these decisions have been taken. Article 144 of the Constitution mandates that all authorities, civil and judicial, in the territory of India shall act in aid of the Hon'ble Supreme Court. Therefore, order dated 23.09.2013¹ is binding on all authorities including State Governments.

20. It is submitted that co-ercion is being employed by the Respondents/Applicants by putting pressure on all citizens/residents to enrol for Aadhaar number failing which the basic services/rights will be withheld. A copy of the News Item which reflects this compulsion being used for speedy enrolment process is annexed hereto and marked as **ANNEXURE – P/31 – (PAGES 59 TO _____)**.

21. It is submitted that the Union of India and the UIDAI have taken no steps to act in aid of this Hon'ble Court's 23.09.2013 order as no notification or order is reported to have been issued by any Authority or Agency reversing their respective notifications making Aadhaar card a pre-requisite for access to their services. A copy of the News Item reported in the 'The Hindu' on how NREGA beneficiaries are still being denied wages for not possessing Aadhaar card is annexed hereto and marked as **ANNEXURE – P/32 – (PAGES 60 TO _____)**. I say that the Union of India

and the UIDAI (Respondents in the present writ petition) must be called upon to explain the steps taken for implementation of the order dated 23.09.2013.

E. PARAGRAPH WISE REPLY

22. With regard to paragraph 1 to 3, I say that the contents thereof are matter of record and require no reply.

23. With regard to paragraph 4, I say that the DBTL Scheme was launched only on 1.6.2013 as part of an experimental project and therefore there cannot be any prejudice caused to the project if the implementation is deferred till the outcome of this Petition. I say that the DBTL Scheme is a part of UID project introduced by Union of India. I say that there is a serious challenge on merits on the flawed introduction and implementation of the UID project itself. In such circumstances it is obvious that all schemes purporting to rely on the UID project ought to await the outcome of this petition and other connected matters. I deny that there is any prejudice caused to the DBTL Scheme by the interim order passed by this Hon'ble Court. I also deny that there is any doubt in the mind of LPG Consumers with regard to the purported usefulness of Aadhaar card. I reiterate that all the confusion is because of the Respondents' equivocation on the status of the Aadhaar number. I submit that if anything, this Hon'ble Court's order dated 23.09.2013, has helped clarify the position.

24. With regard to paragraph 5, I say that requiring a citizen/resident to part with biometric information for availing basic schemes of the government is itself illegal, arbitrary and unconstitutional. I say that granting subsidies only on the basis of Aadhaar card is highly discriminatory. I say that on ground of artificial discrimination itself the DBTL itself ought to be struck down. I say that as demonstrated above the Union of India and its instrumentalities have launched a massive campaign to coerce citizen to obtain Aadhaar in different methods and DBTL scheme is only an example of coercion. I deny in so far as retail consumers of LPG cylinders are concerned there is no mandate that they should possess Aadhaar card for LPG Cylinders connections.
25. With regard to paragraph 6, I deny that the interim order would have never prevented an authority of public sector undertaking from insisting on Aadhaar Card as an identity card. I say that the interim order passed by this Hon'ble Court under Article 32 of the Constitution of India seeks to protect citizens from violation of their fundamental rights by the Union of India or any of its instrumentalities. I say that the order is clear and requires no clarification.
26. With regard to paragraph 7, I deny the claim that Aadhaar Card is not being insisted upon for procuring LPG Cylinders at market prices. In any event, I repeat that requiring a citizen/resident to part with biometric and other personal sensitive information for

availing basic schemes of the Central Government is itself illegal, arbitrary and unconstitutional. I say that on this ground alone the DBTL Scheme ought to be struck down.

27. With regard to paragraph 8, I say that it fortifies the submission of the petitioners that UID Project seeks to invade the privacy of an individual by firstly parting with biometrics and other information. Secondly, linking bank account to government scheme without informing the citizen/resident of the possible misuse of this information. I say that in absence of a foolproof and effective legislation such scheme are illegal, ultra-vires and ought to be struck down. I deny that the DBTL Scheme enables efficiency and transparency in subsidy administration by use of technology. I deny that the Government has instituted the safeguard of seeking Aadhaar as authentication of identity in public interest while disbursing subsidy. I say that administration of subsidies at the cost of the violation of the fundamental right of citizen in guise of efficiency and transparency cannot be permitted by this Hon'ble Court.

28. With regard to paragraph 9, I say that issuance of Aadhaar Card and seeding of LPG and Bank database without an effective legislation is illegal. I say that grace period is an example of coercion employed by the Union of India to foist the UID Project on the citizens. In the alternative, I say that the order dated 23.09.2013 has an effect of extending the 'grace period'. This

'grace period' of three months can be extended till the outcome of this petition.

29. With regard to paragraph 10, I deny that the DBTL scheme prevents leakage in LPG subsidy. I deny that during the financial year 2012-13 the LPG subsidy amounts to Rs.3,95,58,00,000/-. I also deny that the new system is an effective instrument to prevent diversion and leakage.
30. With regard to paragraph 11, I deny that the significant gap in the subsidized price of LPG creates a strong incentive to divert the LPG Cylinders for commercial purpose. I also deny that there is any significant loss caused to the exchequer or that there is any significant recovery possible by switching to Aadhaar based DBTL.¹ In any event, I say that loss to the exchequer cannot be a ground to allow implementation of a scheme which poses a dangerous threat to the citizens of the country.
31. With regard to paragraph 12, I deny that the new system will effectively check any consumer availing of a double benefit. I say that the rest of the contents of the paragraphs are a matter of record and merit no reply.
32. With regard to paragraph 13, I deny that Aadhaar number has put in place a robust mechanism to ensure detection of duplicate connection. I deny that Aadhaar Scheme will prevent diverting of public resources for illegal purposes which will reduce the burden on the exchequer.

33. With regard to paragraph 14, I deny that phase I (20 districts) of Aadhaar generation is already over 96% of the population in those districts and the put Applicant to strict proof thereof. I deny that there is massive education campaign carried out by the Applicant. In fact, as mentioned above, I say that the entire UID project is being foisted on the citizens/residents without informed consent.
34. With regard to paragraph 15, I deny that oil marketing companies have detected 45,000 duplicate connections on the basis of Aadhaar numbers alone and put the Applicants to strict proof thereof. I deny that the Aadhaar scheme per se will save the exchequer Rs. 23,00,00,000/-. I say that the contents of paragraph 15 are unfounded assumptions and there is no basis of the facts and figures mentioned therein. I deny that there is any connection between Aadhaar card and detection of duplicate connection. I say that oil marketing companies are facilitators of the UID Project under the aegis of Union of India. I say that there is no independent right in favour of oil marketing companies to impose restrictions without sanction of law.
35. With regard to paragraph 16, I deny that the DBTL scheme ensures that subsidies are transferred directly to the bank account of the eligible person. I say that in absence of a sanction under law and in absence of informed consent, there cannot be a mandatory requirement to obtain an Aadhaar Card.

36. With regard to paragraph 17, I say that the contents thereof are incorrect as borne out from the documents recording minutes of meeting of the Respondents/Applicants themselves. I say that the claim with regard to 60% seeding with bank accounts is a 'misrepresentation inasmuch as the minutes of meeting of 'National Committee of Direct Benefit Transfers' expressly records that in some of the districts the bank account seeding is as low as 25% as opposed to the claim of 60%. A copy of minutes dated 05.08.2013 is annexed hereto and marked as **ANNEXURE – P/33 – (PAGES 61 TO 90)**. I deny that over 1 crore subsidy transferred transaction have been done over 4.5 LPG Consumers amounting to Rs.471.39 crores. I deny that in phase I (19 Districts), approximately 76% LPG consumers have submitted their Aadhaar numbers to LPG distributors and 60% have given it to LPG Distributors and Banks. I say that these are unfounded assertions of facts and figures and I put the Applicant to the strict proof thereof. I say that no further enrollments for Aadhaar card should be insisted upon till the outcome of this petition. I say that the manner in which DBTL Scheme is being implemented will result in large scale exclusion of basic services to citizens.
37. With regard to paragraph 18, I deny that it is absolutely necessary to ensure implementation of Aadhaar Card. I say that any clarification or modification of the Order dated 23rd September, 2013 will have a serious consequence on fundamental rights of citizens. I say that this Hon'ble Court ought not to grant its

imprimatur to schemes of Union of India introduced and implemented without regard to provisions of Constitution of India. I say that under Article 32 of Constitution of India this Hon'ble Court ought not to allow any further implementation of the UID project or DBTL Scheme only on the basis of Aadhaar card.

F. BALANCE OF CONVENIENCE AND PRIMA FACIE CASE

38. I say that the Direct Benefit Transfer for Liquefied Petroleum Gas Consumers (DBTL) scheme has been introduced only as recently as on 01.06.2013. It is also an admitted position that the DBTL scheme itself envisages a 'grace period' within which cylinders can be distributed through the old system. Till the disposal of the present writ petition and all connected matters, the DBTL scheme can be suitably altered by the Respondents/ the Applicants in the said Applications to continue with the old system.
39. Further, I say that there is a clear admission in the said Applications on the UID Project being an experiment of information technology for the first time and is being launched in phases. I say that a project which has no legislative backing and tramples upon fundamental rights of citizens cannot be permitted to continue indiscriminately merely because it saves money to the public exchequer or may require re-engineering of systems. In any event, I also say that subsidy plans the government cannot be made dependent on experimental projects.

40. I say that making Aadhaar card mandatory for basic rights and services without any safeguard poses a dangerous threat to all residents/citizens of the country which may cause irreparable harm to the residents. These writ petitions are filed under Article 32 of the Constitution of India for protection of fundamental rights of citizens. If any clarification is granted by this Hon'ble Court diluting the protection granted by order dated 23.09.2013, it will result in an imprimatur of this Hon'ble Court under Article 32 of the Constitution on enrolments which are deeply flawed and are serious violations of fundamental rights of the citizens.
41. I submit that no prima facie case is made out by the Respondents or the Applicants in the Said I.As. On the contrary, a strong prima facie case has been made out for violation of fundamental rights of citizens. In fact, order dated 23.09.2013 is widely reported to have come as a relief to lakhs of people who would have otherwise suffered for want of Aadhaar. A copy of a media report published in 'The Hindu' that buttresses this point is annexed hereto and marked as **ANNEXURE – P/34 – (PAGES 91 TO 92)**. In such circumstances, the balance of convenience would lie in rejecting the prayers made in the said Applications.
42. I respectfully say and submit that any clarification granted by this Hon'ble Court will also give a license to more intervention Applications filed before this Hon'ble Court thereby opening floodgates for seeking judicial sanction for violating fundamental rights of citizens.

In the above facts and circumstances, I respectfully submit that the present Application deserves to be dismissed with costs.

DEPONENT

VERIFICATION

Verified at New Delhi on this the 19th day of October, 2013, that the facts set out in Paragraphs 1 to 42 of my above Affidavit in reply are true and correct to my knowledge and the submissions made therein are on advice received from the Advocates for the Petitioners and believed to be true, no part of it is false and nothing material has been concealed there from.

DEPONENT

29

ANNEXURE -P/16

ITEM NO.MM-3

COURT NO.2

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 829 OF 2013

S.G VOMBATKERE & ANR

Petitioner(s)

VERSUS

U.O.I & ORS

Respondent(s)

Date: 19/09/2013 This Petition was mentioned today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr.Shyam Divan, Sr.Adv.(Mentioned by)
Mr.Pratap Venugopal, Adv.

For Respondent(s)

UPON being mentioned the Court made the following
O R D E R

On a mention made by Shri Shyam Divan, learned senior counsel for the petitioners, we direct that this petition be listed along with WP(C)No.494 of 2012, T.P.(C)Nos.47-48 of 2013 and T.P.(C)No.476 of 2013.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

ITEM NO.5+56

Court No.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013
(With appln(s) for stay and office report)
(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013
(With appln(s) for stay and office report)

W.P.(C) No. 829 of 2013
(With appln(s) for interim relief and office report)

Date: 23/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Anil B. Divan, Sr. Adv.
Mr. Ankit Goel, Adv.
Mr. Ranvir Singh, Adv.
Mr. Sanjay Yadav, Adv.
Mr. Anish Kumar Gupta, Adv.
Ms. Deepshikha Bharati, Adv.
Mr. S.S. Shamshery, Adv.
Mr. Rajeev Kr. Singh, Adv.
Mr. Nachiketa Joshi, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.
Mrs. Geetha Kovilan, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Varun Singh, Adv.
Mr. Gaurav Nair, Adv.
M/s. K.J. John & Co.

for

For Respondent(s)

Mr. Mohan Parasaran, SG
Mr. L. Nageshwar Rao, ASG
Mr. Farrukh Rasheed, Adv.
Mr. Alok Mishra, Adv.
Mr. D.S. Mahra, Adv.

-2-

UPON hearing counsel the Court made the following
O R D E R

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of petitioner no. 1 in T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013 are allowed in terms of the signed order.

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.

(DEEPAK MANSUKHANI)

Court Master

(M.S. NEGI)

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO(s). 47-48 OF 2013

THE GOVT. OF INDIA & ORS. ETC.Petitioner(s)

VERSUS

S. RAJU & ANR. ETC.Respondent(s)

WITH

TRANSFER PETITION(CIVIL) NO(s). 476 OF 2013

O R D E R

Heard learned counsel for the parties.

Having regard to the facts and circumstances of the case, we are satisfied that this is a fit case where the prayer for transfer is to be allowed.

On the facts of the case, we allow these Transfer Petitions and direct that W.P(C) No. 439 of 2012 titled S. Raju Vs. Govt. of India and Others pending before the D.B. of the High Court of Judicature at Madras and PIL No. 10 of 2012 titled Vickram Crishna and Others Vs. UIDAI and Others pending before the High Court of Judicature at Bombay be transferred to this Court. The Registry of the High Court of Madras and Registry of the High Court of Bombay are requested to transmit the original records to this Court expeditiously.

These Transfer Petitions are accordingly
allowed.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(S.A. BOBDE)

NEW DELHI;
SEPTEMBER 23, 2013.

ITEM NO.43

COURT NO.5

SECTION PIL

' S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S
IA 3-4/2013
in
WRIT PETITION (CIVIL) NO.494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for clarification/modification of court's order
and office report)

WITH

W.P.(C) NO.833/2013

(With appln.(s) for directions and office report)

Date: 08/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Anil B.Divan, Sr.Adv.
Mr. Shyam Divan, Sr.Adv.
Mr. Ankit Goel, Adv.
Mr. Ranvir Singh, Adv.
Mr. Sanjay Yadav, Adv.
Ms. Deepshikha, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Paqttabhi Ram, Adv.
Mr. Nishant Katneshwar, Adv.
Mr. S.S. Shamsbery, Adv.
Mr. Sanjay Yadav, Adv.
Mr. Anish Kumar Gupta, Adv.

Mr. P.S. Narashiman, Sr.Adv.
Mrs. V. Mohana, Adv.
Mr. B. Ragunath, Adv.
Mr. Vijay Kumar, Adv.
M/S. K.J. John & Co.

For Respondent(s)

Mr. G.E. Vahanvati, A.G.
Mr. Mohan Parasaran, S.G.
Mr. Alok Kumar, Adv.
Mr. Alok Prasanna, Adv.
Mr. Anupam Prasad, Adv.
Ms. Tara Narula, Adv.
Mr. D.S. Mahra, Adv.

(for Intervenors)

Mr. L. Nageshwar Rao, ASG

Mr. Amit Meharia, Adv.
Ms. Khushbu Jain, Adv.
Ms. Sophia Mustafa, Adv.
For M/s. Meharia & Company

UPON hearing counsel the Court made the following
O R D E R

Issue notice in I.A.Nos.2,3,4,5 & 6/2013.

Issue notice in W.P.(C)No.833/2013. Ms.
D.S. Mahra, learned counsel accepts notice on
behalf of the Union of India.

List the matters for final hearing on 22nd
October, 2013 as Item No.2 with all connected
matters.

In the meanwhile, the reply to the IAs
may be filed by the learned counsel for the
petitioner in W.P.(C)No.494/2012.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master

Aadhaar not mandatory for availing of subsidies: Govt - The Hindu

<http://www.thehindu.com/news/national/aadhaar-not-mandatory-for-ava..>

THE HINDU

News » National

Published: August 23, 2013 16:36 IST | Updated: August 23, 2013 16:40 IST

Aadhaar not mandatory for availing of subsidies: Govt

PTI



Though the Union government says Aadhaar is not mandatory states like Andhra Pradesh and Kerala have already asked customers to submit their Aadhaar number to avail subsidies Photo. Mohammed Yousuf *The Hindu*

Aadhaar card is not mandatory to avail of subsidies under government schemes including on domestic cooking gas, the government on Friday said in the Rajya Sabha.

"Aadhaar card is not mandatory for availing subsidies. If any public sector undertaking is doing it, we will correct it," Minister of State for Parliamentary Affairs Rajeev Shukla said.

He was responding to members' concerns that despite giving an assurance that the card was not a must for availing of services like opening bank accounts, admission in school and obtaining passport, some public sector undertakings were forcing the people to do so.

Raising the issue during Zero Hour, MP Achuthan (CPI-M) said that in Kerala public sector oil companies had made it mandatory for people to get Aadhaar-linked bank accounts for getting subsidy on LPG.

Mr. Achuthan questioned that when the government had already made it clear that the card was not mandatory for availing subsidies, "who gave power to public sector oil companies to ask for Aadhaar-linked bank accounts" for providing subsidies.

He lamented that there are thousands of people who could not get the card despite registration.

Several members from CPI, CPI(M), BJP and other parties associated themselves with the demand that non-availability of Aadhaar numbers should not be made an excuse to deny subsidy and benefits to people under various schemes.

Keywords: Aadhaar, UIDAI, biometric identification, direct benefit transfer, cooking gas subsidy, Rajeev Shukla, DBT, Nandan Nilekani, monsoon session, parliamentary proceedings

Printable version | Oct 19, 2013 1:51:40 AM | <http://www.thehindu.com/news/national/aadhaar-not-mandatory-for-availing-of-subsidies-govt/article5052354.ece>

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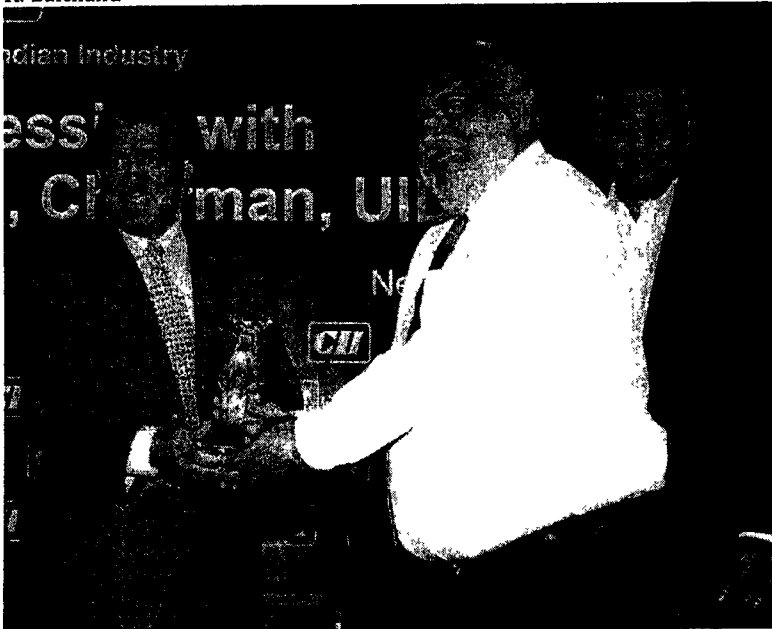
THE HINDU

News » National

Published: May 12, 2010 01:45 IST | Updated: February 3, 2012 12:34 IST

AADHAR not mandatory, says Nilekani

K. Balchand



Unique Identification Authority of India chairman Nandan Nilekani presents the CII President's Award to C R Swaminathan, chief executive, PSG Institutions, in New Delhi on Tuesday. Venu Srinivasan, CII president (right), and Hari Bhartia, CII president-designate, look on. Photo: V.V. Krishnan

Unique Identification Authority of India Chairman Nandan Nilekani on Tuesday ruled out making AADHAR, the unique identity number of each individual, mandatory for all citizens, and said it would be optional.

During an interactive session at the Confederation of Indian Industry here, Mr. Nilekani pointed out the difficulties that would crop up if the number was made mandatory by service deliverers. If one did not have the number, one would be excluded from the benefit of that particular programme.

While stating that AADHAR would remain optional, Mr. Nilekani was confident that the number would have its relevance. He was in talks with the Reserve Bank of India to have the number accepted as proof of identity for opening bank accounts.

The proposed law seeking to grant statutory status to the UIDAI would seek to put in place a frame work to protect the data across the country from being misused, Mr. Nilekani said. He underlined the need for checks and balances to protect the data from both private and government users.

Replying to a question, he said the mandate was to issue the number only to citizens and not to outsiders, almost ruling out the possibility of entertaining the claims of NRIs. "Only if they have stayed for a requisite time period in India, can they can be given one."

Asked whether the National Population Register too going in for biometric and iris image would not be an exercise in duplication, Mr. Nilekani said both this agency and the UIDAI were working together and would hold further discussions to seek help.

CII president Venu Srinivasan was in the chair.

Clarification

The caption of the photograph that went with the above had a detail of the CII President's Award being given to C.R. Swaminathan, chief executive, PSG Institutions. It led to a query as the text did not mention this.

At that function, Mr. Nilekani had also presented the CII President's awards to Mr. U.K. Sinha, Chairman – CII National Committee on Mutual Funds and CMD, UTI AMC; Mr. R.S. Sharma, Chairman – CII Public Sector Enterprises Council, and CMD, ONGC; Mr. P.S. Bhattacharya, Chairman – CII Sub Committee on Sustainable Development and CMD, Coal India Ltd; Mr. Harpal Singh, Immediate Past Chairman – CII Northern Region and Mentor and Chairman Emeritus, Fortis Healthcare Limited; Dr. Naushad Forbes, Immediate Past Chairman – CII

Western Region and Director, Forbes Marshall Pvt Ltd. and Mr. Mukul Somany, Immediate Past Chairman – CII Eastern Region and Joint Managing Director, Hindustan National Glass and Industries Limited. Mr. C.R. Swaminathan is also Immediate Past Chairman – CII Southern Region and Chief Executive, PSG Institutions.

The CII President's Awards are an annual feature and presented to individuals "making an outstanding contribution to the Confederation of Indian Industry (CII)".

The brand name of the Unique Identification number (UID) has now been changed to AADHAAR, and not AADHAR as mentioned in the heading and text of the report. AADHAAR, which translates into "foundation", or "support", is a word present across most Indian languages and is to be used in the branding and communication of the Unique Identification Authority of India (UIDAI) programme across the country. The design, which has been selected as the logo for AADHAAR, is a sun in red and yellow, with a fingerprint traced across its centre.

Keywords: Unique Identification Authority of India, unique identity number, Nandan Nilekani

Printable version | Oct 19, 2013 1:54:52 AM | <http://www.thehindu.com/news/national/aadhar-not-mandatory-says-nilekani/article427629.ece>

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10/2/13

Nandan Nilekani is part of every committee and group that is making Aadhaar mandatory - Moneylife

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Nandan Nilekani is part of every committee and group that is making Aadhaar mandatory



+ COMMENT

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In a strange case of conflict of interests, Nandan Nilekani, the IT czar, is either heading or part of a committee or group that is turning the 'voluntary' UID number or Aadhaar of residents as mandatory for citizens to access several services and benefits from the government

The Supreme Court has ruled that the unique identification (UID) number or Aadhaar is not mandatory to avail essential services from the government. What is strange is all those ministries and departments that are making Aadhaar 'mandatory' are doing so on recommendations from a committee or group associated with Nandan Nilekani, the chief of Unique Identification Authority of India (UIDAI). This is pure conflict of interests as the UIDAI itself is maintaining that Aadhaar is 'voluntary' while its chairman is making



sure that it is made mandatory to avail a number of services or benefits from the government.

Gopal Krishna, member of Citizens Forum for Civil Liberties (CFCL), has sent a letter to prime minister Manmohan Singh, defense minister AK Antony who is also the head of the Group of Ministers (GoM) which oversees the issue of resident identity cards under scheme of National Population Register (NPR). Mr Krishna has also sent it to Montek Singh Ahluwalia, deputy

chairman of Planning Commission as well as special invitee on the Cabinet Committee on UIDAI-related issues and who is also on the GoM on the issue of resident identity cards under NPR scheme, and Dr C Chandramouli, Registrar General and Census Commissioner of India.

He said, "I submit that the Supreme Court has revealed that although the attached

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Nandan Nilekani is part of every committee and group that is making Aadhaar mandatory - Moneylife

enrolment form of Aadhaar/unique identification (UID) number promises on top of the form that it is free and voluntary, several central ministries and uninformed state governments attempted to make it mandatory, in a manifest case of breach of citizen's trust."

According to Mr Krishna, the Strategy Overview document of the UIDAI says that "enrolment will not be mandated" adding, "This will not, however, preclude governments or registrars from mandating enrolment". "It must be noted that Mr Nilekani headed several committees whose recommendations made Aadhaar mandatory," he said.

Here is the list of Committees and groups compiled by Mr Krishna, which decided to make Aadhaar mandatory and are linked with Mr Nilekani...

- 1) He is head of Technology Advisory Group on Unique Projects (TAGUP) that proposes "private company with public purpose" and with "profit making as the motive but not profit maximising".
- 2) He is head of Unique Identification Authority of India (UIDAI), which is functioning without legislative approval either at the centre or in the states and has signed contracts with companies that work with Intelligence agencies.
- 3) He is head of Committee on Electronic Toll Collection (ETC) technology for use on National Highways that proposes Radio Frequency Identification (RFID).
- 4) He is head of Inter-ministerial task force to streamline the subsidy distribution mechanism
- 5) He is head of Government of India's IT Task Force for Power Sector
- 6) He is member of National Knowledge Commission
- 7) He is member of Review Committee of the Jawaharlal Nehru National Urban Renewal Mission
- 8) He is member of National Advisory Group on e-Governance
- 9) He is member of Subcommittee of the Securities and Exchange Board of India (SEBI) that dealt with issues related to insider trading
- 10) He is member of Reserve Bank of India's Advisory Group on corporate governance
- 11) He is member of Prime Minister's National Council on Skill Development
- 12) He is member of Prime Minister headed National Committee on Direct Cash Transfers
- 13) He is an invitee to the Cabinet Committee on UID related matters
- 14) He is an invitee to Group of Ministers (GoM) regarding Issue of Resident Identity Cards under NPR Scheme
- 15) He is a member of the board of governors of the Indian Council for Research on International Economic Relations (ICRIER)
- 16) He is the president of NCAER

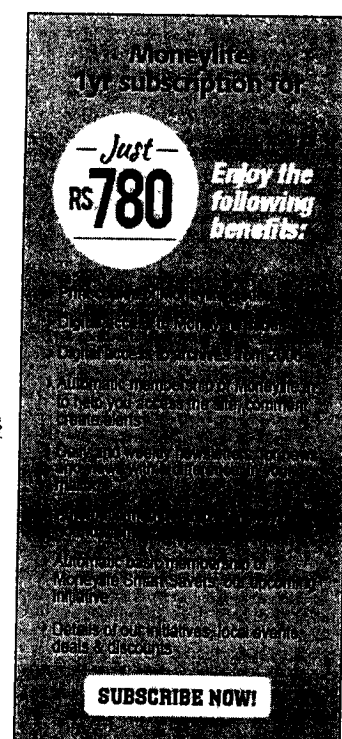
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Nandan Nilekani is part of every committee and group that is making Aadhaar mandatory - Moneylife

17) He is chairman, Empowered Group, IT Infrastructure for Goods and Services Tax (GST)

"The list is not exhaustive. Mr Nilekani has many more identities as a shareholder and as a former head of a corporation," says Mr Krishna.

Further, according to Mr Krishna, the 'rift between Ministry of Home Affairs (MHA) and Planning Commissions', the UIDAI on UID and NPR was motivated and meant to take legislatures, citizens, states and media for a ride.

Mr Krishna said, "...it was reported on 6 October 2011 that Gujarat chief minister, Narendra Modi wrote to the prime minister questioning the need for National Population Register (NPR) by Registrar General of India and Census Commissioner. Gujarat then stopped collection of biometric data for creation of the NPR."

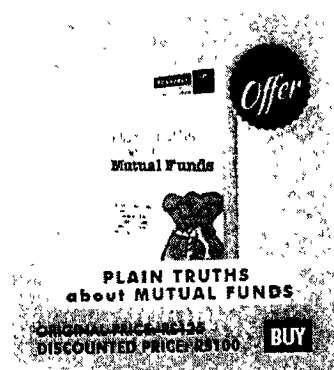
In his letter to the Prime Minister, Mr Modi raised objections over both the UIDAI, which is creating UID/Aadhaar number and Registrar General of India, which is creating the NPR, collecting biometric data.

In his letter Mr Modi wrote, "...there is no mention of capturing biometrics in the Citizenship Act or Citizenship Rules, 2009". In the absence of any provision in the Citizenship Act, 1955, or rules for capturing biometrics, it is difficult to appreciate how the capture of biometrics is a statutory requirement. Photography and biometrics is only mentioned in the Manual of Instructions for filling up the NPR household schedule and even in that there is no mention of capturing the iris".

After Gujarat stopped collection of biometric data, the then Union Minister of Home Affairs, P Chidambaram sent a letter to Mr Modi in August 2011, pointing out that creation of the NPR was a "statutory requirement" under the Citizenship Act, 1955, and "once initialised, (it) has to be necessarily completed". The MHA had also requested the chief minister to instruct state government officers to cooperate in creation of the NPR. This was when the entire media, citizens and the political class was hoodwinked into believing that there was a rift between Mr Nilekani's UIDAI under Planning Commission and Dr C Chandramouli's NPR under MHA when Mr Chidambaram headed it, said Mr Krishna.

Mr Krishna says, "It appears that Mr Modi chose to side with UIDAI in an apparent rebuff to Mr Chidambaram. Mr Modi kicked off UID/Aadhaar project in Gujarat on 1 May 2012 by giving his biometric information and enrolled under the UIDAI project. Strangely, Mr Modi did not object to his biometric identification under UID as he did with regard to NPR. Mr Modi did so despite the fact that Yashwant Sinha (BJP leader) headed Parliamentary Standing Committee on Finance that rejected the UID project and the UID Bill in its report to the Parliament on 13 December 2012. However, it may be noted that one sentence of its report appears to endorse biometric NPR. Is it a case of Mr Sinha was trying to side with Mr Chidambaram? It appears that Mr Modi has been taken for ride with regard to the UID/Aadhaar and Mr Sinha with regard to NPR as they failed to see through the strategy. Now Mr Chidambaram is wearing the hat of registrar of finance. This is how both Mr Modi and Mr Sinha were outwitted by Mr Chidambaram."

"I submit that Mr Nilekani met the then deputy chief minister of Bihar, Sushil Kumar Modi at Bihar Bhawan in New Delhi in August 2011 to ensure a centralized IT infrastructure for GST across the states through GST Network, a National Information Utility, a private company with public purpose having profit making as the motive but not profit maximising. This is meant to take away the sovereign function of tax collection from the state," Mr Krishna said in his letter.



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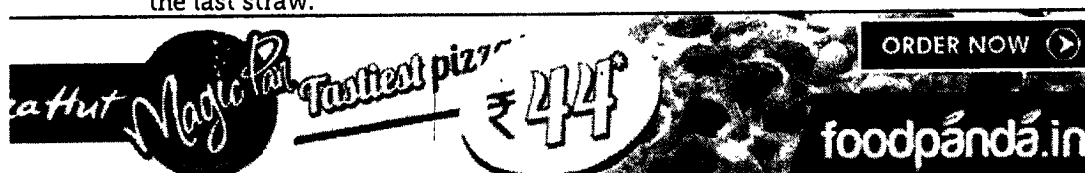


Manan Kumar

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home minister asks UIDAI to get a security audit done after reports of aadhaar no given to non-entities.

Coriander and an apple, as per the Unique Identification Authority of India (UIDAI), are residents of India as they have been given an Aadhaar number. And this, perhaps, has been the last straw.



The ministry had told UIDAI last month. It shot a reminder last week after seeing some more bizarre reports. If UIDAI doesn't reply, the ministry may have to seek Intelligence Bureau's (IB) help for the audit, sources told DNA.

8/31/13

Coriander s/o Pulao, Aadhaar No 499118665246 - India - DNA

According to a report, an Aadhaar card with the number 4991 1866 5246 was issued in the name of Mr Kothimeer (coriander), son of Mr Palavu (pulao), resident of Mamidikaya Vuru (raw mango village) of Jambuladinne in Anantapur district of Andhra Pradesh. The card had the photo of a mobile phone instead of a person.

The ministry is in possession of about a dozen more such astonishing examples where a number has been given to non-entities.

"As the Aadhaar and NPR database are complementary to each other and are being used to enhance security and strategic processes, the ministry has the right to seek a security audit of any of its process," a ministry official said.

Overruling Chidambaram's objections on UIDAI's security, the Union cabinet on January 27 had come out with a compromise formula and given a go-ahead to the UIDAI to expand its project to 600 million people..

It was agreed that both projects will continue simultaneously and each would use the biometric data collected by the other. In case of any discrepancies, the NPR data would prevail as it is collected by government officials who are accountable.

In the same cabinet meeting, Nandan Nilekani had said, "We will review the security concerns in six to eight weeks and begin data collection from April."

"In spite of all its assurances, the UIDAI is yet to get back to us and apprise us of the changes. We have no clue what are they up to," said the official.

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Aadhaar de-duplication myth busted. Any answers, Mr Nilekani?

MONEYLIFE DIGITAL TEAM | 15/10/2013 05 52 PM

One person from Kerala enrolled and successfully received two Aadhaar numbers. This raises serious question over the de-duplication theory and practices of UIDAI

Aadhaar or the unique identification (UID) number is being enforced by the governments and the de-facto tagging institution, the Unique Identification Authority of India (UIDAI) by claiming uniqueness of the number. However, one person from Kerala has busted the myth created by UIDAI and its chairman Nandan Nilekani.

According to a report in Matrubhoomi, a Kerala-based newspaper, PV Narayanan, a resident of Panathadi *panchayat* received *two* Aadhaar numbers: 548780623023 and 356459270677. The names on both these letters issued by UIDAI are same, with slight different photos. Narayanan probably may have registered at two places or centres. But, surprisingly, his fingerprints seem to have passed the so-called 'robust' de-duplication test of UIDAI. Since Aadhaar includes an iris scan, this too seems to have been missed.

As *Moneylife* has pointed out, both the union government and UIDAI were in such a hurry that they neglected the basic principle of pilot testing and size of sample. For over 1.2 billion UID numbers, they have used data from just 20,000 people, in pairs, as the sample and on the basis of the results, gone ahead with

the UID number through the 'Aadhaar' project. (How UIDAI goofed up pilot test results to press forward with UID scheme)

The case of Narayanan also mocks the false positive identification rate (FIPR) theory of UIDAI. Earlier, speaking about the FIPR, the UIDAI had said, "We will look at the point where the FIPR (i.e. the possibility that a person is mistaken to be a different person) is 0.0025%". This means, for every 1 lakh comparisons, there would be two and a half false positives. On a large scale, it means for a population of over 120 crore, there would be 18 lakh crore false positives, or, for every single Indian resident there would be 15,000 false positives! (Click to see the calculations)

The International Biometric Group (IBG) testing also shows that performance can vary drastically within technologies-some fingerprint solutions, for example, had next to no errors during testing, while others rejected nearly 1/3rd of enrolled users. "Most interestingly, the testing shows that over time, many biometric systems are prone to incorrectly rejecting a substantial percentage of users. Verifying a user immediately after enrolment is not highly challenging to biometric systems. However, after six weeks, testing shows that some systems' error rates increase ten-fold," said the research, consulting and integration firm, which works closely with the biometric industry. The report is titled "Real-World Performance Testing".

Maybe the UIDAI and its registrar have thought the second enrolment of Narayanan from Kerala as false positive and issued another Aadhaar number. Hope the UIDAI chairman would be able to find out 'original and true' Narayanan from these two biometric-based Aadhaar numbers!

hindustantimes

■ Saturday, October 19, 2013

Chetan Chauhan, Hindustan Times
New Delhi, December 25, 2012

First Published: 19:26 IST(25/12/2012)

Last Updated: 02:26 IST(26/12/2012)

Print

UIDAI cancels 3.84 lakh fake Aadhaar numbers

Some have managed to beat the so-called unbeatable Unique Identification (UID) system and got fake Aadhaar numbers generated raising security concerns over UPA's new UID based governance model.

Nandan Nilekani led Unique Identification Authority of India (UIDAI) has cancelled 3.84 lakh Aadhaar numbers of the total 4.10 lakh generated under the biometric exception clause.

The Aadhaar agencies are allowed to enroll people without proper finger-prints or iris under the biometric exception clause.

In this, the agencies are required to provide photographs of the non-existent biometrics along with demographic details of the enrollers.

The biometric exception was incorporated to make Aadhaar truly inclusive identification generation process as there was highly level of exclusion in other systems such as ration cards.

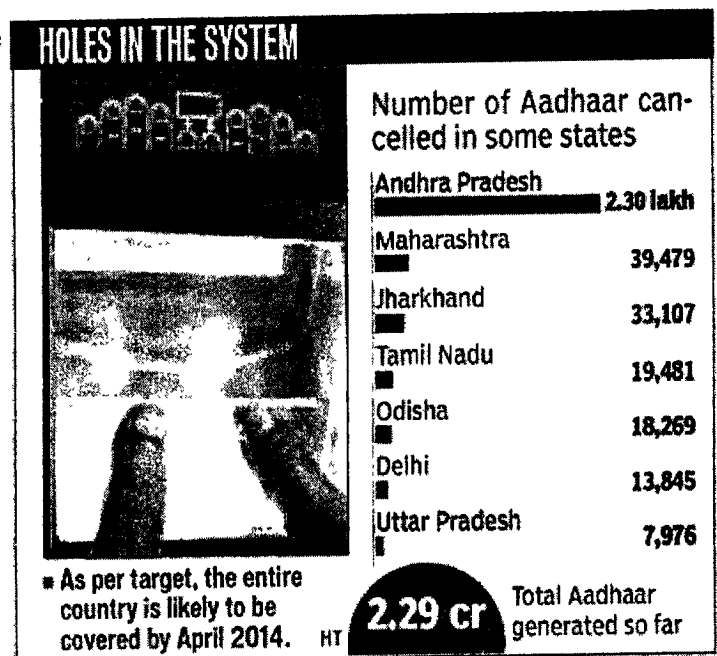
But, the agencies exploited the clause to make some pass money as for each successful enrollment and generation of Aadhaar number, the agency got ₹ 50.

It was business as usual for UIDAI till a large number of Aadhaar letters in Andhra Pradesh remained undelivered.

"Most of the 45,000 undelivered Aadhaar letters in Andhra were under the exception clause. It hinted that something was wrong," a senior UIDAI official said. Further scrutiny revealed that of 48.80 lakh Aadhaar generated in Andhra, 2.30 lakh were false and were subsequently cancelled.

With the lid blown off, similar instance cropped in other states.

A Delhi government official said, who reported around 13,000 fraudulent enrollments to UIDAI, said the biometric exception was introduced for people with high level of disabilities but it was frequently used raising a question over credibility of Aadhaar numbers.



The UIDAI admitted of similar high number of fake Aadhaar numbers from Jharkhand, Maharashtra, Tamil Nadu, Tripura and Uttar Pradesh in a reply to Lok Sabha.

The authority also found of the total Aadhaar generated under this clause, only 22,195 were found to be genuine. Another 6,600 Aadhaar numbers are under investigation.

For enrollment of around 90 crore residents in subsequent phases, the UIDAI has asked agencies not to opt for biometric exception without approval from a senior, preferably a government official.

The UPA government has decided to use Aadhaar payment platform for delivery of its welfare schemes once the enrollment is complete likely by April 2014.

<http://www.hindustantimes.com/StoryPage/Print/980634.aspx>

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ANNEXURE - P/25

GOVERNMENT OF NCT OF DELHI
REVENUE DEPARTMENT
5, SHAM NATH MARG DLEHI-110054

No.F.10(6)/CCS/DivCom/Hqrs/5130-5131

Dated: 20.12.2012

ORDER

It has been decided to use the Aadhaar platform for the delivery of various services rendered by the Revenue Department. Hence, it is considered necessary that the Aadhaar information of the applicants seeking the various services from the Revenue Department is to be compulsorily given at the time of applying for the service.

It is henceforth ordered that AADHAAR No. of the applicant, will be required to be mentioned compulsory at the time of applying various services as mentioned below. The Aadhaar Card information of the applicants should be mentioned in the prescribed Applicants Forms.

1. Registration of Marriages under Hindu Marriage Act.
2. Registration of Marriages under Special Marriage Act.

3. Solemnization of marriages.
4. Registration of various documents in the Sub Registrar Offices.

Specimen of the modified application forms of the above services are available on the website of Revenue Department (<http://revenue.delhi.gov.in>). The guidelines on "How to Integrate the Aadhaar for the various services rendered by Revenue Department, GNCTD" are also available at this link and are enclosed with this order.

All the Deputy Commissioners are directed to ensure that this order is prominently displayed in the Notice Boards of the respective districts. General public may also be informed through permanent display of these conditions in the Notice boards of the Revenue Department/District and also in the offices of Sub Registrar Offices. This order will come into effect from January 1, 2013.

This issues with the prior approval of the Secretary (Revenue).

50

Sd/-
(Rajiv Kumar)
SDM (HQ)

No.F.10(6)/CCS/DivCom/Hqrs/

Copy to:-

1. All Deputy Commissioners,
2. All ADMs, Delhi
3. All SDMs, Delhi
4. All Tehsildars, Delhi
5. All Sub Registrars, Delhi
6. All SDMs (Hqrs)
7. SIO, Delhi State NIC HQ, Delhi Sectt, IP Estate
Delhi.
8. System Analyst to upload the order on the
department's website.
9. OSD to the Chief Secretary
10. PS to Secretary (Revenue)
11. PA to Special Secretary (Revenue)

Sd/-
(Rajiv Kumar)
SDM (HQ)

(Emblem)
Pay & Accounts
Office, Government
of Maharashtra

Regarding making Aadhaar (Card) Number Compulsory
to the Government Employees for pay.

Government of Maharashtra
Finance Department,
Government Resolution Number: Miscellaneous 1007/
M.No. 112/part 3/Trea.C 5
Mantralaya, Mumbai – 400 032
Date: 3 June, 2013.

Read:-

- (1) Government Resolution Number: Miscellaneous 1007/M.No. 112/Part
3/Trea. C5, Dated 20 April, 2013.

Government Resolution:

While submitting Pay Bills by SEVARTH system in the districts viz. Pune, Nandurbar, Wardha, Amravati, Mumbai City and Mumbai Suburban, it is necessary to register (enter) Aadhaar Card Number of all the Government employees in the SEVARTH System. Unless Aadhaar number is registered (entered) in the aforesaid six districts, payment of Pay Bills for May, 2013 will not be made in the aforesaid six districts, such orders have been issued by the aforesaid Government Resolution under reference. However, considering the difficulties in the registration (enrollment) of Aadhaar Card, one month's extension is granted to the said Government Resolution. Moreover, for the pay of the month of June, 2013 payable in July, 2013 and for the pay of July, 2013 payable in August, 2013 Aadhaar number or Aadhaar Card registration Number (EID or UID) of the employee should be entered in the SEVARTH System and the pay should be paid. For the period thereafter, Aadhaar number shall be compulsory for pay.

The said Government Resolution has been made available on the website of the Government of Maharashtra viz. www.maharashtra.gov.in and its code number is 201306041443518305. This order is issued by attesting the same with the digital signature.

By order and in the name of the Governor of Maharashtra.

Anant Digitally signed by
Mahadev Anand Mahadev
Jadhav Jadhav.

A. M. Jadhav
(Desk Officer).

Translated from Marathi

Printed From



AADHAAR CARD MANDATORY FOR LAND REGISTRATION

Wednesday, 22 May 2013 | PNS | Ranchi

Rate : 0/5

Like : 0

The State Government on Tuesday decided to make the Aadhaar number mandatory for sale and purchase of land in order to maintain transparency in the land deals.

Chief Secretary RS Sharma, who earlier served as Director General of Unique Identification Authority of India (UIDAI), said that the new directive will be effective from January 1, 2014.

Sharma has directed the Registration department to ensure that Aadhaar card should be necessary as a proof of identity. "The land deals would continue to be registered on the basis of witnesses' signature and other documents, but from January 1 onwards the Aadhaar card would be mandatory," he further added.

The Chief Secretary said that besides the sellers and purchasers of land, witnesses will also be required to produce Aadhaar card as a proof of their identity.

"There are several instances under the existing system where one property has been registered twice on the basis of witnesses and other documents," he pointed out.

He said that Aadhaar card based land transactions will prevent duplicity and also establish the identity of sellers and purchasers.

Incidentally, the State Government, last year had decided to make UID number mandatory for payment of salary and pension to state employees in order to give the necessary impetus to the enrolment process.

However, the decision was yet to be implemented.

Notably, Jharkhand has done very well and so far it has enrolled about two crore people for the unique numbers.

UIDAI chief Nandan Nilekani, during his visit in April last, had expected that the rest of its 1.29 crore people will all be enrolled by August-September.

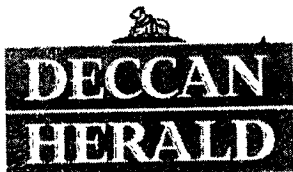
Jharkhand has been ahead of its neighbouring States in terms of enrolment figures.

Besides, in October last year, Ramgarh was awarded with the National Aadhaar Governance Award, instituted by UIDAI, for emerging as India's best district in terms of taking Aadhaar-enabled services to the ordinary man.

The total number of enrolment centres functioning across the country is 30,000, whereas in Jharkhand the figure is 353. The State's centres collectively enrol more than 73,000 residents a day.

9/25/13

State makes UID must for govt scheme entitlements



Wednesday 25 September 2013
News updated at 6:26 PM IST



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Classifieds

You are here Home » State » State makes UID must for govt scheme entitlements

State makes UID must for govt scheme entitlements

Nandini Chandrashekar, Bangalore, June 9, DHNS

Not revealing info can lead to temporary suspension of services

Privacy concerns abound about each citizen of this country being issued an identity number, but the State government is firmly going ahead with its plans to include every citizen in the Unique Identification plan.

Recently, the State government issued an order making it mandatory for people availing of benefits from seven government schemes offered by six departments to furnish all information, while enrolling for UID or Aadhaar project. If information is not revealed, the services could be suspended temporarily.

The Karnataka Resident Data Hub project envisages integrating UID numbers to the various subsidy-linked services offered by the government. Linking this would help them prevent pilferage and leakage of services and also eliminate duplicate and ghost entries.

Towards this purpose, the government has decided to make seven major services 'Aadhaar enabled.' These are social security pensions, IP pumpsets, membership of Milk Co-operative Federations, Bhagyalakshmi scheme, LPG connection, ration card and Mahatma Gandhi National Rural Employment Scheme (MGNREGS).

So, apart from providing basic demographic and biometric details, entitlements of these programmes will be required to reveal social security sanction order number and money order number, ration card number, MGNREGS number, bond number in Bhagyalakshmi scheme, IP pumpset details, passbook number in Milk Co-op Society and customer card number for LPG connections. This will be under the Know Your Resident aspect of Aadhaar, implemented through the Centre for e-governance. The order makes it clear that not revealing this information can lead to suspension of services temporarily.

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"It is implied in the order," declared a senior official confirming the worst fears of many anti-UID advocates that it will be made mandatory.

The government is also offering a carrot by paying an incentive of Rs 100 per head to BPL category entitlements under social security schemes and MGNREGS, if they offer relevant documents.

According to the latest statistics, 4.5 million people have enrolled in Tumkur and Mysore and enrolment in other parts of the state will begin on June 27 in Gulbarga and Dharwad. The enrolment for the entire State is expected to be completed by 31 March, 2012.

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Photo Gallery



9/25/13

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Business Standard

Jyoti Mukul | New Delhi May 15, 2013 Last Updated at 21:04 IST

Aadhar compliance made mandatory for LPG subsidy

Three months window for 20 districts from June 1



Moily Veerappa M, Petroleum Minister

Domestic LPG consumers in 20 districts would now have to get the aadhar number and seed it with their bank accounts to avail of subsidy on nine cylinders.

This exercise would have to be completed in three months starting June 1 after which they would lose their entitlement for subsidy.

The mandatory requirement of aadhar number and its seeding is part of the Direct Benefit Transfer (DBT) scheme for LPG customers announced today.

Addressing a press conference, Petroleum minister M Veerappa Moily said, "Reciprocal initiative has to be taken by consumers."

He said all LPG consumers would get an advance in their bank account as soon as they book the first subsidize cylinder even before delivery. This is to reduce their financial burden when they purchase the first LPG cylinder at market rate after launch of the scheme."

As soon as, the first cylinder is delivered to such consumers, subsidy eligible on date of delivery will again get credited in the bank account, which will then be available for the purchase of the next cylinder at the market rate.

The launch of DBT in LPG is the biggest programme under the government policy of direct credit of subsidy. There are 14 crore LPG consumers in the country which comprises 60% of the population. "So, the first step is a small one," said Vivek Rae, secretary, ministry of petroleum and natural gas.

On the question of why Aadhar has become compulsory, Rae said it was needed to credit LPG subsidy into bank accounts.

"If you want LPG subsidy then aadhar is compulsory." After the grace period of three months, as soon as a consumer links the Aadhar number to bank account and in LPG database, one-time advance and subsidy transfer will re-commence as per the balance entitlement.

There is 89% Aadhar penetration in these districts with 52% seeding with LPG data base of some 75 lakh consumers in the 20 districts. Seeding with bank account is 15%. The 20 districts include five in Andhra Pradesh, four in Himachal Pradesh, two each in Karnataka, Kerala and Madhya Pradesh, one each in Dam

9/25/13

www.business-standard.com/article/printer-friendly-version?article_id=113051501131_1

and Diu, Goa, Maharashtra, Pondicheery and Punjab.

An assessment would be done after a month. "We will review the scheme and then extend to other districts, he said. Once implemented, the government will transfer close to Rs 4,000 to every household annually to enable people to buy nine cylinders of LPG at the current market price.

Currently, state-owned oil firms sell domestic cooking gas at a highly subsidised rate of Rs 410.50 per 14.2-kg cylinder. Consumers are entitled to get nine cylinder of 14.2-kg each at the subsidised rate in a year. Each consumer will get a little less than Rs 4,000 annually but will have to buy LPG at market price.

One fourth of LPG subsidy would be released by the ministry of finance every quarter to oil marketing companies who will be responsible for crediting it into the account of LPG consumers.

What consumers need to know?

* Get an Aadhaar number if they don't have one at Aadhaar enrollment centers

* Open a bank account with Aadhaar number if they do not have one by going to a bank branch with Aadhaar number

OR

* If they already a bank account then link their Aadhaar number with their bank account by visiting their branch or through a request form available with LPG distributors and deposit it in the drop boxes placed at LPG distributors premises

* Provide Aadhaar numbers to LPG distributors for linking with LPG consumer number



Aapka Paisa Aapke Haath

Ministry of Rural Development will move to Aadhaar Enabled Payment System (AEPS) for all wage payments in MGNREGS and NSAP pensions; and will operate through Aadhaar Payment Bridge System (APBS) for all material payments in MGNREGS.

This mandates that:

- a) Every beneficiary should have an electronic Bank or Postal account.
- b) Every beneficiary must have Aadhaar number.
- c) All wage lists/payments shall be electronic payments.
- d) Disbursements are made at the GP level only by the Business Correspondent or Postal dept. after biometric authentication.
- e) Every transaction shall generate a near real time Electronic record.

The following Strategy may be followed for this purpose:

1. **Opening of Bank accounts:** Accounts may be opened in a bank enabled with Every wage seeker must have a **Bank/Postal account** which shall be verified/confirmed. So far, we have only 9.5 Cr accounts for the 16 Cr active wage seekers.
2. **Targeted Aadhaar enumeration:** Even where the enrolment is more than 90%, most of the people left out are the wage seekers. It is therefore proposed that the following strategy may be followed:
 - a. MoRD is already a Registrar under UID. All State RD departments would similarly be registered as Registrars under UID. For the States which are under NPR, there will be a special request to Registrar General of India for permitting this targeted enrolment.
 - b. State RD departments will enlist private service providers for each District using the protocol already developed by UIDAI.
 - c. The enrolment agency will be allotted work by the DPCs in such a way that there are at least 3 enrolment kits per Block (or 10,000 job cards per kit).
 - d. The enrolment teams will move village to village as per the programme given by the DPC/PO for enrolment of all the MGNREGS and NSAP beneficiaries; and will leave after enrolling every person in the list. Mobilisation will be the responsibility of the RD department.
 - e. UID agreed to pre-load the list of the MGNREGS and NSAP beneficiaries in the database of the enrolment agencies, so that



there won't be any need for seeding the UID number at a later date.

3. **Seeding of Aadhaar numbers** into NREGASoft: So far, we have Aadhaar numbers for about 32.48 lakh (out of 16 Crore) active accounts. All these numbers are to be authenticated; and balance UID numbers are to be seeded. For this the following strategy may be followed:
 - a. Authentication: NIC will enlist the services of CDAC, Ministry of IT which is an AUA for authentication. All seeding done each day will be shared with CDAC for authentication. Orders will be issued by MoRD.
 - b. For the balance wage seekers, who have Aadhaar numbers which are yet to be seeded, the Gram RozgarSahayaksgo house-to-house collecting the Aadhaar numbers and enter the same in the online system already available in NREGASoft. For this a month-long drive may be undertaken by the States.
 - c. A mobile module is being deployed by UIDAI in the mobiles (phablets) of GRSs.
4. **Seeding of the Aadhaar numbers in the bank database:** Once the seeding is completed in NREGASoft, States will share the database containing both the Aadhaar number and the related bank account with all Banks electronically. Bank will seed these details in the bank account after due check. Thereafter, the data is placed on the NPCI Mapper by the Banks.
5. **Business Correspondents in each GP:** RBI has mandated that each bank shall position a BC in each GP with more than 2,000 population under the Financial Inclusion project. Wherever, Banks are not ready, we can ask the Dept of Posts to place the BCs (BPMs) take up distribution. States may call for a meeting of Banks and DoP at the earliest.

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Aadhaar enrolment picks up after food security launch

Geeta Gupta Posted online Thu Sep 19 2013, 01.15 hrs

New Delhi : With the Aadhaar card being made mandatory for availing benefits under any social security scheme of the Central or state government, many Aadhaar enrolment centres in the Capital are witnessing a rush, especially after the launch of the Food Security Scheme.

The Delhi government on Wednesday said the Aadhaar enrolment in the city has crossed the 100-per cent mark.

"According to the 2011 Census, Delhi has a population of 1.67 crore. Aadhaar enrolments in the capital have already crossed 1.69 crore," Secretary (Revenue) Dharampal said.

"As per the data available with us, even those who are residents of Uttar Pradesh and Haryana have enrolled in Delhi. We have come across some cases of duplicate enrolments and these would be deleted by the system after scrutiny," he said.

As part of the preparation for the upcoming Assembly election, which is likely to be notified next week, the Revenue department of the Congress-led Delhi government had earlier asked the State Election Commission to make provisions for Aadhaar enrolments at Voter Registration Centres (VRCs) across the city.

"Approximately 500 enrolment machines are at work in the enrolment centres. There has been an increase in the number of people applying for Aadhaar cards after the government launched the Food Security Scheme in Delhi," Dharampal said.

The Revenue department has linked delivery of all its services to Aadhaar.

Also, all social security schemes of the Centre or state government have been linked to Aadhaar, including the ones which have direct benefit transfers.

The Unique Identification Authority of India pays Rs 50 for each enrolment that would lead to an Aadhaar generation.

While it costs the Delhi government Rs 38 for each enrolment, Rs 12 is the revenue earned by the government for each Aadhaar card that is generated.

10/3/13

Despite Supreme Court order, no wages without Aadhaar card in Rajasthan village - The Hindu

THE HINDU

Today's Paper » NATIONAL » NEW DELHI

Published: October 3, 2013 00:00 IST | Updated: October 3, 2013 05:36 IST

Despite Supreme Court order, no wages without Aadhaar card in Rajasthan village

Many MGNREGA workers in Tilonia village of Ajmer district are struggling to get their wages as they don't have Aadhaar cards, this despite a recent Supreme Court order that said the unique IDs were not mandatory for accessing welfare schemes.

An order by the Postal Department in Ajmer, dated May 7, 2013, had instructed all sub-post masters to inform MNREGA workers that: "As per the orders of the Central/State government, after July 31, 2013, no payment would be made to MGNREGA accounts without an Aadhaar card."

The order directed the workers to register their Aadhaar numbers with their accounts. It said the workers would be themselves responsible for any inconvenience caused.

Soon after, the staff at the Tilonia post office started turning away workers who did not produce a copy of their Aadhaar cards.

"Well, we did not turn away everyone without an Aadhaar. We made payments to those workers who could at least produce their Aadhaar enrolment receipt, if not the card itself," said Harkaran, the sub-post master.

When told about the Supreme Court order, he said he was aware of it but could not bypass the departmental order. "We have not received any new order, or even oral instructions, nullifying the previous order," he said. Of the 5,000 MNREGA accounts at the Tilonia post office, only about a thousand are linked to Aadhaar. "The orders were strict. But I have to manage the situation here on the ground. I have been making payments to several account-holders based on my goodwill and personal relations," the sub-post master said.

Dhaneshwari Devi, an auxiliary nurse midwife in Tilonia, has a similar arrangement with the beneficiaries of the Janani Suraksha Yojana, which provides cash incentives to pregnant women opting for institutional deliveries.

"We have been told the Aadhaar card is mandatory, but if the beneficiaries don't have it, we don't just turn them away. We work something out," she said.

While this arrangement raises questions about the Aadhaar card's necessity, it leads to the possibility of exclusion, resulting from the official's subjectivity and bias.

"This illustrates two things. One, that it is possible to continue direct benefit transfers as long as people have bank or post office accounts. Two, while Aadhaar's stated purpose was to reduce the power of middlemen [the post master in this case]; it is reinforcing their power in the intervening period when the accounts are seeded with the UID numbers. The government has created unnecessary confusion on the ground and added an unnecessary layer of bureaucracy," said development economist Reetika Khera.

Kartar (35), a construction worker from Tilonia, has had a tough time getting his Aadhaar card made. "I went to the camps three-four times but was sent back every time. The *babus* asked me to apply cream on my palms and then come back. When it still didn't work, they asked me to use mustard oil for some days but even then, the machine did not record my fingerprints," he said.

Kartar said sarcastically that given the nature of his job, his palms don't seem to have an "Aadhaar line".

Printable version | Oct 3, 2013 9:32:41 AM | <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/despite-supreme-court-order-no-wages-without-aadhaar-card-in-rajasthan-village/article5194617.ece>

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ANNEXURE - P/33

Office of Adviser (Admn.)
CD/CF No. 3040.3/13
Date 19.8.13
Planning Commission, New Delhi

PRIME MINISTER'S OFFICE

South Block,
New Delhi - 110 011

Subject: Summary Record of Discussions of the meeting of National Committee on Direct Benefit Transfer held on 5.8.2013

Please find enclosed, for further necessary action, a copy of the Summary Record of Discussions of the meeting of National Committee on Direct Benefit Transfer held on 5.8.2013.

4
(Sanjay Lohiya)
Director
Tel. No. 2301 8876

1. Home Secretary
2. Finance Secretary (Secretary, D/o Expenditure)
3. Secretary, D/o Financial Services
4. Secretary, D/o Posts
5. Secretary, D/o Electronics & IT
6. Secretary, D/o Rural Development
7. Secretary, D/o School Education & Literacy
8. Secretary, D/o Higher Education
9. Secretary, M/o Social Justice & Empowerment
10. Secretary, M/o Tribal Affairs
11. Secretary, M/o Minority Affairs
12. Secretary, D/o Health & Family Welfare
13. Secretary, M/o Labour & Employment
14. Secretary, D/o Women and Child Development
15. Secretary, M/o Petroleum & Natural Gas
16. Secretary, D/o Fertilizers
17. Secretary, D/o Food & Public Distribution
18. Director General, UIDAI
19. Secretary, Planning Commission
20. Mission Director, DBT, Planning Commission
21. Registrar General of India

PMO ID No. 360/31/C/34/2012-ES.2 (Vol-12)

Dated 13.8.2013

Copy to : Smt. Nidhi Khare, Advisor, Planning Commission

**Summary Record of Discussions of the 4th Meeting of
the National Committee on DBT
held at 7, RCR at 6.00 p.m. on 5.8.2013**

List of members present is at *Annexure-1*.

2. The Prime Minister opened the proceedings by asking the Principal Secretary to PM to present the items on the Agenda.

3. Principal Secretary to PM made a detailed presentation covering the four items listed in the Agenda. The four Agenda items covered were:

Agenda 1: Review of the Rollout of DBT in Phase-I (43 districts), Phase-II (78 districts), DBT-LPG (20 districts) and Online Postal Banking Services.

Agenda 2: Routing of funds in Centrally Sponsored Schemes or Central Sector Schemes where beneficiary identification and maintenance of beneficiary lists is done at the state level or below - either directly from Government of India to beneficiaries OR through state governments.

Agenda 3: Transfer of LPG Subsidy through DBT - the continuation of the two-price system of sale of LPG cylinders and the timeline for switchover to a single price.

Agenda 4: The next Phases of Rollout of LPG Subsidy through DBT

A copy of the presentation made by the Principal Secretary is at *Annexure-2*. The main points in the presentation are covered below.

4. **Agenda 1: DBT Rollout Review:**

Principal Secretary gave an overview of the rollout of DBT so far, including the level of digitisation of databases, the level of Aadhaar and bank account penetration of beneficiaries, the number and value of DBT transactions and the challenges that continue to be there. Some of the main points made by him were:

i. **Data Quality:** Currently, only data on DBT going through APB and CPSMS is captured and reported easily. Transfers taking place through NEFT outside of these two systems have to manually collected and collated. This highlights the necessity of quickly moving to an Aadhaar based payments system (APB &

CPSMS), otherwise, the true benefits of DBT in terms of improving processes and speeding up transfers will not happen.

- ii. **Dominance of a few large schemes:** If the data of beneficiaries is broken up further, of the 39.76 lakh beneficiaries covered, JSY and the 4 post-matric scholarships account for ~33 lakh beneficiaries (83%).
- iii. **Database digitization:** This continues to be a challenge. Having digitised databases is the starting point for any DBT. In many schemes, beneficiary lists were never ever collected or compiled at the central level. For many schemes, DBT was the first time they started checking lists. **Departments will need to start the process of digitisation in all districts, irrespective of the rollout of DBT** as this is a critical activity which need not wait and can be done in parallel.
- iv. **Re-engineering processes:** The crux of the problem is that re-engineering of processes has not happened and must be an absolute priority if DBT is to expand any further. Doing the next set of districts will be impossible if process re-engineering is not done and one will face all the bottlenecks we have been facing so far. This has to be the top-most priority for the programme.
- v. **Aadhaar Enrolment:** Enrolment in Aadhaar has caught up in Phase-I and is excellent now. In Phase-II, it is less than 25% in 14 districts which is a matter of concern. These districts are in UP, Bihar, Chhattisgarh, Gujarat and Uttarakhand. Aadhaar enrolment in UIDAI districts is no longer a constraint.
 - a. There are 160 districts with >50% coverage
 - b. There are 160 districts with 25% - 50% coverage
 - c. There are 300 districts with <25% coverage
- vi. **NPR Biometric collection:** RGI has to work hard in UP, Bihar, Chhattisgarh, West Bengal, Odisha, J&K and NE states to improve coverage.
- vii. **Bank Account opening:** Opening accounts is happening. However, there are difficult pockets where this needs to be tackled.
- viii. **Post Office Banking System:** The rollout of Core Banking is badly behind schedule. The tender for placing orders for handheld devices has been cancelled and is yet to be placed. It is not likely that the postal system will be ready for

any form of DBT (except in AP which has a different system in place) till March 2014.

- ix. **Seeding of bank accounts:** This is a problematic area. Till this is done, funds will not flow through APB which means there is no reliable way of checking whether DBT is happening or not.

5. Agenda 2: Funds Flow Routing:

Principal Secretary pointed out that there is a need for clarity on the funds transfer goal of DBT. Is the goal to ensure direct transfer of funds to the beneficiary through an electronic process directly from the Central Government or is this to be done through the least number of layers, and in some cases through states, depending on the nature and features of the scheme. A decision on this necessary because a variety of issues had been raised by departments and states including the level of cooperation from state governments, the level of state contribution, lack of administrative and technical capacity, accounting for committed liability of states, collection of beneficiary data is with states and there should be no separation of responsibility from authority. He mentioned that doing DBT directly from the Centre has some advantages in that there is a clear identification of the benefit with the Central Government, schemes can be tracked much better and scholarships and pensions can be released more often and in a timely manner. If a DBT system is in place with due re-engineering, states can route their benefits also in the same manner. The National Committee has to decide whether the funds flow to the beneficiary should be directly from the centre or through the states or other intermediate levels.

6. Agenda 3: Timeline for switchover to a single price in DBT-LPG

Principal Secretary mentioned that DBT in LPG has proved to be successful. In the 20 districts it is operating in, there are 72.3 lakh consumers of whom 16.6 lakh consumers are getting subsidy through DBT. There have been 32.6 lakh transactions in 2 months transferring Rs 131 crores. The challenge is bank account seeding which varies between 25% - 55%. The switchover from a dual price system to a single price system is due from the cut-off date of 3 months (1.9.2013). This will provide a sense of urgency and make people share their details and speed up seeding. If the date is postponed, DBT-LPG will be impossible to rollout in the rest of the country as consumers will be sure of further postponements and there will be no sense of urgency to the DBT-LPG programme.

Secretary, Petroleum made a presentation on the current status of DBT-LPG rollout and a possible way forward in rolling it out in future. His suggestion was that DBT-LPG could be rolled out in 146 districts where Aadhaar penetration is currently >50%. This could be done in a phased manner till March 2014 and the rest of the country could be covered subsequently. A copy of his presentation is at Annexure-3.

7. Agenda 4: The next Phases of Rollout of DBT-LPG:

Discussion - Main Points

8. There was a detailed discussion on all the agenda items. Some of the points made by the Ministers on the main issues for decision were:

i. Rollout:

- a. There are many problems and inadequacies that still need to be addressed as DBT is expanded further.
- b. Digitisation databases and collection of databases at the Centre is not happening as much as it should. Many Ministries continue to say that they do not have lists.
- c. Re-engineering of processes, which is essential for successful DBT, is not taking place. Re-engineering is necessary and will need to be done.
- d. DBT brings immense benefits through elimination of duplication, removing falsification, huge savings and timely delivery to beneficiaries.
- e. It is time to crack the whip and move faster for which it is necessary to take hard decisions and implement them.
- f. Banks have been issued instructions to directly get Aadhaar numbers of account holders.
- g. Any future rollout will need to be completed by 31.12.2013.
- h. Many schemes have dynamic and not static lists which means lists have to be compiled periodically. There are difficulties in updating and transferring data to the centre.
- i. There is no technical reason why digitised lists cannot be there, whether they are static or dynamic.
- j. DBT is not direct to bank account only but direct to family of beneficiary.
- k. Practical experience in Andhra Pradesh has shown that Post Offices have delivered and not banks. Bank seeding is a real bottleneck. Decisions on Banking Correspondent compensation need to be transmitted to banks.

- i. If D/o Posts empowers Post Master Generals to sign up technology service providers, things can move faster through Post Offices.
- m. Post Offices are not an immediate solution. Banking Correspondents are a post-bank / bank account matter. The DBT Mission should address BC issues for the medium term. At the moment, the focus should be on bank accounts.
- n. There is a need for a complete a IT solution which identifies benefits, eligibility criteria and has a workflow based approval and funds release system.
- o. Small schemes should be universalised under DBT.

ii. Funds flow:

- a. Ideal DBT is one that transfers directly through the CPSMS and APB. This should be the ultimate aim.
- b. Direct is not necessarily direct from Delhi as states provide much more in many schemes.
- c. It is impractical to have two pipes for funds flow, one for the centre and one for states. This would be counter-productive.
- d. Insisting on transfers from the centre will slow down DBT rollout.
- e. DBT was clearly conceived as a scheme for routing funds directly to the beneficiary from the centre.
- f. There is the problem of addressing committed liability of states in schemes.
- g. Non-digitisation leads to a lot of corruption. People need to know how much is being given and who is giving the benefit. Therefore DBT should be direct from the source.

iii. Time line for switchover to single price for DBT-LPG

- a. There should be no postponement of the switchover to a single price system for LPG sales after the 3 month transition period.

iv. DBT-LPG Rollout

- a. There is a need for visible impact and DBT-LPG is the one with the maximum visibility and impact.
- b. Rollout of DBT-LPG should be much faster covering 142 districts by 1.9.2013 and 150 districts by 1.11.2013.

- c. 80% is the maximum number of consumers who will come forward with Aadhaar details. The rest may be duplicate consumers or may not be interested in the subsidy.
- d. Rolling out DBT-LPG needs a preparatory period and bank seeding is a constraint in rolling out
- e. OMCs have complete digitised lists and have no constraints.
- f. LPG is one scheme which can have immediate nation-wide impact. It can easily cover 50% of the country.

Decisions

9. After the detailed discussion in which all the above points were elaborated and discussed, it was decided that:

i. The timeline for switchover to a single price in DBT-LPG:

- a. The OMCs will be allowed to discontinue sale of cylinders at subsidized rates to consumers who have not reported their bank account and Aadhaar numbers and have not had their accounts seeded with Aadhaar numbers by 31.8.2013, i.e., the completion of the three month switchover period, in the 20 districts where DBT-LPG has been in operation.
- b. They will continue to be eligible to get their subsidy through DBT as soon as they report their bank account and Aadhaar numbers and have had their bank accounts seeded with Aadhaar numbers.
- c. For each subsequent expansion to new districts, OMCs will give a grace period of 3 months from the date of rollout for the switchover to a single price and discontinuing sale of cylinders at subsidized rates to consumers.

ii. The next Phase of Rollout of DBT- LPG

- a. Further expansion of the programme for DBT of LPG subsidy will be finalized by Minister, MoPNG in consultation with the Finance Minister after the meeting to be held by Mission Director on 13.8.2013. This would be communicated by 16.8.2013.

iii. Funds Flow

- a. The Executive Committee will examine all 25 selected schemes in DBT and the 3 pension schemes of NSAP, to recommend, within September

2013, which schemes need to continue to send the central share through the State Consolidated Fund or any other intermediate agency in 2013-14.

iv. Further Rollout of DBT

- a. The Executive Committee will also recommend, within September 2013, the possible rollout plan for the 25 selected schemes and the 3 pension schemes of NSAP beyond the current 121 districts.

The meeting ended with a Vote of Thanks to the chair.

List of participants

1. Shri P. Chidambaram, Finance Minister
2. Shri Ghulam Nabi Azad, Minister of Health & Family Welfare
3. Shri M. Veerappa Moily, Minister of Petroleum & Natural Gas
4. Shri Kapil Sibal, Minister of Communication & IT
5. Shri Sis Ram Ola, Minister of Labour & Employment
6. Kum. Selja, Minister of Social Justice & Empowerment
7. Shri Jairam Ramesh, Minister of Rural Development
8. Shri V. Kishore Chandra Deo, Minister of Tribal Affairs
9. Shri M.M. Pallam Raju, Minister of Human Resources Development
10. Shri K. Rehman Khan, Minister of Minority Affairs
11. Dr. M.S. Ahluwalia, Deputy Chairman, Planning Commission
12. Shri Nandan Nilakeni, Chairman, UIDAI
13. Smt. Krishna Tirath, MoS(I/C) of Women & Child Development
14. Shri K.V. Thomas, MoS(I/C) of Consumer Affairs, F&PD
15. Shri Srikant Jena, MoS(I/C) of Chemical & Fertilizers
16. Shri Ajit Seth, Cabinet Secretary
17. Shri R.S. Gujral, Finance Secretary
18. Shri Anil Goswami, Home Secretary
19. Smt. Sindhushree Kullar, Secretary, Planning Commission
20. Smt. Vibha Puri Das, Secretary, Ministry of Tribal Affairs
21. Shri S. Vijayakumar, Secretary, Ministry of Rural Development
22. Shri J. Satyanarayana, Secretary, Department of Electronics & IT
23. Shri Mrutyunjay Sarangi, Secretary, M/o Labour & Employment
24. Shri Ashok Thakur, Secretary, Department of Higher Education
25. Ms. Nita Chowdhury, Secretary, D/o Women & Child Development
26. Shri K.N. Desiraju, Secretary, M/o Health & Family Welfare
27. Shri R. Bhattacharya, Secretary, D/o School Education & Literacy
28. Shri Vivek Rae, Secretary, M/o Petroleum & Natural Gas
29. Shri Rajiv Takru, Secretary, Department of Financial Services
30. Shri Ravi Mathur, Secretary, Ministry of Minority Affairs
31. Shri Sudhir Bhargava, Secretary, M/o Social Justice & Empowerment
32. Shri Vijay S. Madan, DG, UIDAI
33. Ms. Kalpana Tewari, Member (Planning), D/o Posts

- (16)
34. Dr. R.C. Chandramouli, Registrar General of India
 35. Shri S. Sundaresan, Mission Director, DBT
 36. Smt. Nidhi Khare, Advisor, Planning Commission

From PMO

1. Shri Pulok Chatterji, Principal Secretary, to PM
2. Shri Pankaj Pachauri, Communication Advisor
3. Shri B.V.R. Subrahmanyam, JS to PM
4. Smt. Anu Garg, JS to PM
5. Shri Sanjay Lohiya, Director

05-08-2013

MEETING OF THE
NATIONAL COMMITTEE
ON

DIRECT BENEFITS TRANSFER
(DBT)
PROGRAMME

5 August 2013

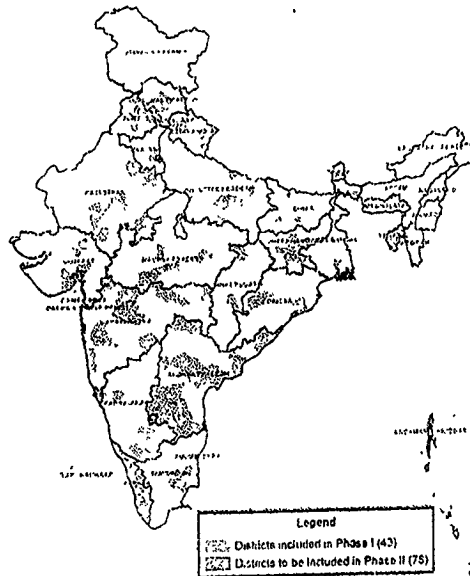
APPROVED ROLLOUT PROGRAMME
FOR 25 SELECTED SCHEMES

PHASE 1 FROM 1.1.2013: 43 DISTRICTS

PHASE 2 FROM 1.7.2013: 78 DISTRICTS
(45 UIDAI, 33 NPR)

TOTAL 121 DISTRICTS IN 26 STATES/UTs

Districts in DBT Rollout – Phases I & II



NATIONAL SOCIAL ASSISTANCE PROGRAMME OF MORD

Widow Pension Scheme
National Disability Pension Scheme
National Old Age Pension Scheme

DBT to roll out from 1.7. 2013 in 121
Districts

05-08-2013

25 SCHEMES, 121 DISTRICTS

AS ON 31.07.2013

- 39.76 LAKH BENEFICIARIES
- 56% HAVE BANK ACCOUNTS
- 25.3% HAVE AADHAR AND BANK ACCOUNTS
- 9.62% BANK ACCOUNTS SEEDED

5

25 SCHEMES

FROM 1.1.2013 TO 31.7.2013

- 3.18 LAKH TRANSACTIONS THROUGH DBT
- RS. 135.18 CRORES

6

05-08-2013

National Social Assistance Programme

Upto 31.7.2013

- 16.73 LAKH TRANSACTIONS
- RS. 57.77 CRORES

AADHAR/NPR PENETRATION

AS ON 31.7.2013

- PHASE I
- 39/43 DISTRICTS > 60%
 - 4/43 DISTRICTS BETWEEN 50-60%

- PHASE II
- 42/78 DISTRICTS > 60%
 - 15/78 DISTRICTS BETWEEN 50-60%
 - 7/78 DISTRICTS BETWEEN 25-50%
 - 7/78 DISTRICTS BETWEEN 10-25%
 - 7/78 DISTRICTS < 10%

33 DISTRICTS OF NPR

AS ON 31.7.2013

TARGET WAS TO ACHIEVE MORE THAN 70%
COVERAGE BY 30.5.2013

- 15/33 DISTRICTS ACHIEVED < 60%
- 7/33 DISTRICTS ACHIEVED < 10%
- 5/33 DISTRICTS BETWEEN 10-25%

9

Challenges in DBT

❖ Opening Bank Accounts

- Banks not present everywhere
- Postal system nowhere near being ready for DBT

❖ Seeding Bank Accounts

- ❖ Process re-engineering by Departments to facilitate DBT on large scale – still poor

10

NEXT PHASE OF ROLLOUT

- PERHAPS 50-100 DISTRICTS (TO BE CHOSEN ON BASIS OF AADHAR/NPR COVERAGE) FROM 1.10.2013 AFTER STABILIZATION OF DBT IN 121 DISTRICTS
- SMALLER SCHEMES COULD PERHAPS ROLL OUT COUNTRYWIDE
- RECOMMENDATION IN SEPTEMBER 2013

11

DBT FOR LPG SUBSIDY

• APPROVED PROGRAMME:

- IN 20 DISTRICTS FROM 15.5.2013
- IN 51 DISTRICTS OF PHASE 1 WHEN AADHAR ENROLMENT OF CONSUMERS CROSSES A THRESHOLD

12

DBT FOR LPG SUBSIDY

AS ON 31.7.2013

2008-2013-14

- TOTAL NUMBER OF CONSUMERS: 72.3 LAKHS
- NUMBER OF CONSUMERS GIVEN SUBSIDY THROUGH DBT: 16.6 LAKHS
- TOTAL SUBSIDY TRANSFERRED THROUGH DBT: RS. 131 CRORES
- AADHAR PENETRATION > 65% IN ALL 20 DISTRICTS
- BANK ACCOUNT SEEDING: 25-54%

12

POST OFFICES

- 16,000 POST OFFICES IN 51 DISTRICTS OF PHASE 1
- INCLUSION IN CORE BANKING SYSTEM AND ICT ENABLEMENT WAS TO BE ACHIEVED BY 30.9.2013
- DATE HAS NOW SLIPPED TO 31.3.2014

12

(130)

STEPS TAKEN TO ENABLE DIRECT TRANSFER FROM CENTRE

- ONLINE SYSTEM FOR CREATION OF DIGITIZED
DATABASES OF BENEFICIARIES
- AADHAR PAYMENT BRIDGE SYSTEM (APBS)
 - DBT MIS SYSTEM
- CPSMS NOW FACILITATES PAYMENT THROUGH
APBS, NECS AND NEFT
 - STANDARDIZED FORMATS
 - ELECTRONIC PAYMENT ADVICE

STEPS TAKEN TO ENABLE DIRECT TRANSFER FROM CENTRE

- CPSMS NOW ALSO FACILITATES
SCHEMEWISE MIS
- CONFIRMATION OF TRANSFER
THROUGH CPSMS IS DEEMED
UTILIZATION CERTIFICATE

- GENERAL APPROVAL FOR DIRECT TRANSFER OF CENTRAL SHARE FROM CENTRAL MINISTRY TO BANK ACCOUNT OF BENEFICIARY

❖ INSTRUCTIONS ARE FOR:

- **COLLECTING AUTHENTICATED BENEFICIARY DATA / DATABASES FROM STATES**
- **RELEASE BENEFITS DIRECTLY FROM CENTRE THROUGH DBT**

- DRAFT CABINET NOTE BY PLANNING COMMISSION

17

PERCEIVED ADVANTAGES OF DIRECT TRANSFER FROM CENTRE

- Clear identification of benefit with Central Government
- Schemes can be tracked much better
- Targeted delivery
- Timely delivery
- Elimination of delays in receiving UCs
- Elimination of dependence on States for introducing DBT

18

OBJECTIONS FROM MINISTRIES TO DIRECT TRANSFER FROM CENTRE

• MCH AND MCH

- SCHEMES ENVISAGE THAT STATES WILL BE IMPLEMENTING AUTHORITY AND BE RESPONSIBLE FOR IDENTIFICATION OF BENEFICIARIES, TIMELY PAYMENTS, ETC.
- SUBSTANTIAL PART OF THE PAYABLE SCHOLARSHIP IS BORNE BY THE STATES
 - CONCURRENCE OF THE STATES IS NECESSARY
 - MINISTRIES HAVE ONLY SKELETON STAFF
- NO SYSTEM OF RECEIVING LISTS OF BENEFICIARIES FROM STATES

1.

OBJECTIONS FROM MINISTRIES TO DIRECT TRANSFER FROM CENTRE

• MCH

- ARCHITECTURE OF POST MATRIC SCHOLARSHIP SCHEME DUE FOR MAJOR REVAMP
- JANANI SURAKSHA YOJNA FUNDS ROUTED THROUGH STATE AND DISTRICT HEALTH SOCIETIES

26

OBJECTIONS FROM MINISTRIES TO DIRECT TRANSFER FROM CENTRE

MoSD

- DIRECT FLOW FROM CENTRE WILL SEND WRONG POLITICAL SIGNALS
- STATE CONTRIBUTION IS OFTEN MUCH MORE THAN CENTRAL CONTRIBUTION
- SIGNIFICANT PAYMENTS MADE THROUGH POST OFFICES, MONEY ORDERS AND CASH
 - MONEY SHOULD FLOW TO THE STATE CONSOLIDATED FUND WITH PENALTIES ON STATE FOR DELAYED TRANSFER

21

OBJECTIONS FROM MINISTRIES TO DIRECT TRANSFER FROM CENTRE

- JANANI SURAKSHA YOJNA OF MoHFW
- POST MATRIC SCHOLARSHIP FOR SC STUDENTS OF MoSJE
- POST MATRIC SCHOLARSHIP FOR OBC STUDENTS OF MoSJE
- PRE MATRIC SCHOLARSHIP FOR SC STUDENTS OF MoSJE
- POST MATRIC SCHOLARSHIP FOR ST STUDENTS OF MoTA

22

OBJECTIONS FROM MINISTRIES TO DIRECT TRANSFER FROM CENTRE

- THESE 5 SCHEMES ACCOUNT FOR 83% OF BENEFICIARIES IN 121 DISTRICTS
- THREE PENSION SCHEMES OF MoRD UNDER NSAP ALSO INCLINED TO TRANSFER THROUGH STATES
- IMPLICATION: ALMOST ALL CENTRAL FUNDS WILL CONTINUE TO FLOW THROUGH STATES AND NOT DIRECTLY

43

OBJECTIONS FROM STATES TO DIRECT TRANSFER FROM CENTRE

• CM TAMIL NADU

- OPPOSED TO DIRECT TRANSFER FROM CENTRE
- DIRECT TRANSFER WILL DIVORCE RESPONSIBILITY FROM ACCOUNTABILITY
 - MANY ARE ONLY PILOT SCHEMES
 - DBT WILL BECOME UNMANAGEABLE AND CREATE ADMINISTRATIVE PROBLEMS
- SHOULD ROUTE ALL FUNDS THROUGH STATE GOVERNMENT

44

05-08-2013

OBJECTIONS FROM STATES TO DIRECT TRANSFER FROM CENTRE

• ANDHRA PRADESH

- HAVE A BETTER WAY OF DOING DBT FROM
STATE LEVEL

DUAL SYSTEM OF PAYMENT OF LPG SUBSIDY

- BY DBT THROUGH APBS
- SUBSIDIZED CYLINDER ON CASH PAYMENT (TO END BY
31.8.2013)
 - ❖ WITHOUT A FIXED CUT-OFF DATE TO MOVE TO
SINGLE PRICE SYSTEM, CONSUMERS HAVE NO
INCENTIVE TO HAVE ACCOUNTS SEED.
 - ❖ IN CASE SWITCHOVER DATE IS POSTPONED,
UNIVERSALIZATION OF DBT-LPG WILL BE DIFFICULT AS
CONSUMERS WILL BE SURE THAT THE 3 MONTHS
SWITCHOVER PERIOD IS EXTENDABLE.

DUAL SYSTEM OF PAYMENT OF LPG
SUBSIDY

- ❖ IF SUBSIDIZED CYLINDER ON CASH
PAYMENT IS DISCONTINUED FROM
1.9.2013, CONSUMERS WILL REMAIN
ELIGIBLE FOR SUBSIDY THROUGH DBT.

27

DECISION 1

- SHOULD DIRECT TRANSFER OF CENTRAL SHARE
TO BANK ACCOUNTS OF BENEFICIARIES BY
CENTRAL MINISTRIES FOR SELECTED SCHEMES BE
MADE MANDATORY?

* OR

- SHOULD IT BE LEFT TO THE MINISTRIES TO
DECIDE WHETHER THEY WANT TO CONTINUE TO
SEND CENTRAL SHARES THROUGH STATE
GOVERNMENTS OR OTHER INTERMEDIATE
AGENCIES?

28

DECISION 2

- SHOULD OMCs BE ALLOWED TO DISCONTINUE SALE OF CYLINDERS AT SUBSIDIZED RATES AFTER 31.8.2013 IN THE 20 DISTRICTS?
OK
- SHOULD THE DATE BE EXTENDED BEYOND 31.8.2013 AND THE OMCs BE ASKED TO CONTINUE WITH THE DUAL SYSTEM OF LPG SUBSIDY PAYMENT?

Thank You

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07-08-2013

MEETING OF THE
NATIONAL COMMITTEE
ON
DIRECT BENEFITS
TRANSFER
(DBT)
PROGRAMME
5 AUGUST 2013

AGENDA ITEM 4

Rollout
of LPG subsidy
by
DBT

07-08-201

Current Aadhaar Saturation*

Current/Future Aadhaar Roll Out				Already launched	Not launched
#	Present Aadhaar Saturation	Number of Districts	Months Req'd. To Reach 90% saturation		
1	>90%	21	Done	14	7
2	80-90%	32	2-3	0	29
3	70-80%	36	3-4	2	34
4	60-70%	31	4-6	1	30
5	50-60%	46	6-8	0	46
6	40-50%	44	8-12	0	44
7	30-40%	73	12-18	0	73
8	20-30%	65	18-21	0	65
9	10-20%	60	21-24	0	60
10	0-10%	242	24-27	0	242
TOTAL		650		20	630

ASSUMPTIONS: 1. The above timelines are based on current pace of enrolments
 2. The actual timelines may vary depending on any changes in processing capacity at UIDAI.
 3. The enrolment timelines for RGI districts is subject to confirmation by them.

* Source - UIDAI
3

Proposed Schedule

Phase	Aadhaar Saturation	Number of Districts	During
I	>80%	20	Already Launched
II	>50%	146	2013-2014
III	30-50%	117	2014-2015
IV	<30%	367	2014-15 and 2015-16

Phase II

	Number of Districts	Aadhaar Saturation	Launch on
a.	36	> 80%	1.10.13
b.	34	70-80%	1.12.13
c.	30	60-70%	1.1.14
d.	46	50-60%	1.2.14

TOTAL OF 146 DISTRICTS WILL BE UNDER
PHASE- II OF DBTL DURING FY 13-14

5

Risk Factors Under Phase II

- ❑ Current Aadhaar seeding levels near zero
- ❑ Inadequate seeding levels in LPG/Bank database when grace period ends especially for Phase II (a) and (b) districts - may lead to consumer unrest/law and order problems nearing end of grace period.
- ❑ Aadhaar saturation <80% in 76 Phase II(c) and (d) districts when scheme is launched in January/February 2014.

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07-08-20:

Learning from Phase I

- ▣ Required around 6 months to reach 60% seeding in LPG database in 20 districts
- ▣ Preparatory Activities - requires 3 months
 - IEC (SMS, FM, Paper, Aakaashvani, door to door)
 - District wise Training of Dealers/field officers, Workshops on DBTL (seeding process/ RASF verification)
 - Meetings with Collectors
 - Setting up of District Level Committee and IEC by district administration after that.

7

Challenges Ahead

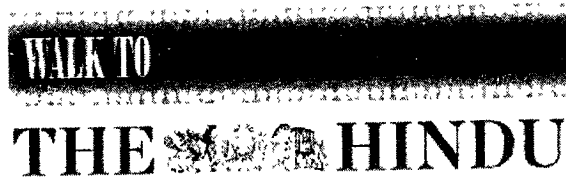
- ▣ Expeditionious conversion of EID to UID and delivery of Aadhaar letters
- ▣ Returned Transactions to be reduced to <0.1% (0.5-0.8% currently).
- ▣ Actionable and standardized return codes by banks.
- ▣ Single Point of contacts for wrong transactions in banks
- ▣ Lack of visibility to consumer on Bank Seeding process - LPG seeding is visible on website/call centre.
- ▣ Call centre for banks/NPCI for Aadhaar seeding/mapping issues

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07-08-2013

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But for court ruling, 24 lakh would have lost access to subsidised LPG

October 12, 2013 By Nitin Sethi | 4 comments

"Only subsidy and not service has been made conditional on providing the Aadhaar number"

The Supreme Court order on Aadhaar is expected to provide relief to more than 24 lakh people in 20 districts who would have got locked out of access to subsidised LPG gas cylinders for not having valid UID cards that are linked to banks.

The court in its interim order said no one should be denied benefits of a government scheme for lack of Aadhaar cards.

The government and Oil Marketing Companies (OMCs) sent petitions asking for relief but the Supreme Court refused to alter the ruling, instead setting an early date of October 22 for the final hearing.

OMC argument

The OMCs told the court that the scheme to transfer subsidy, in cash, for the LPG cylinders had been launched in 20 districts in June 2013. The second phase in another 34 districts was planned for September and in another 44 districts for October.

They also informed the court that the policy was to cut off subsidy to those consumers who had not got their Aadhaar cards linked to the bank accounts as well as their LPG connections. The cut-off would take place after a three-month grace period. The cut-off date for the 20 districts officially began in the beginning of September.

The OMCs then admitted that only 60 per cent of the consumers had got their Aadhaar numbers linked to both banks and LPG distributors. The others "may enrol themselves in due course – when they will become eligible to receive the subsidy for balance entitlement," the plea said. They was a possibility that these were all cases of fake or duplicate LPG connections, in which case they may never enrol.

Out of 50.88 lakh cards that were checked for duplication, the authorities found that 45,000 cardholders with multiple connections, the OMCs told the court.

The application by the Unique Identification Authority of India is carefully worded to couch this concern. "There is no disruption of service (supply of LPG at market price) to consumers who do not provide Aadhaar, as only subsidy and not service has been made conditional on providing the Aadhaar number."

Though the OMCs talk of 40 per cent of the consumers in the first phase still not being linked to receive the cash subsidy, the authority's application reads: "Consistent with the resolution of the government that there is no undue hardship during the makeover to Aadhaar enabled systems, the scheme is being introduced in a staggered manner in districts with a high proliferation of Aadhaar."

The Union Cabinet note for the National Identification Authority of India Bill, finalised some days before the application before the court, reveals more.

It said that till August end, 49.42 lakh consumers had got their subsidy paid in cash for LPG cylinders out of the total of 73.66 lakh consumers holding connections.

The Cabinet note is also self-contradictory in parts. In one part, it talks of making the UID mandatory only for public benefits when the UIDAI programme is fully rolled out and Aadhaar numbers are issued to all residents. But for the cash against the LPG scheme, the government has already pushed to make it mandatory.

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In another part of the note, the government states that the entire investment in the UID scheme would become 'infructuous' if Aadhaar is not made compulsory for government schemes once it's fully rolled out.

The OMCs, again running against the government's logic of making Aadhaar mandatory only when it is fully rolled out, have pleaded before the court that not permitting authorities to implement the cash subsidy for the LPG scheme in its present shape would cause immense problems and trigger "serious doubts and confusion and uncertainty in the minds of several crores of residents in India who have already enrolled for Aadhaar, regarding the validity and usefulness of Aadhaar."

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Comments (4)

It is a mystery how 24 lakhs would loose access to LPG. If these beneficiaries are existing then they can enroll for Aadhaar and would also get the subsidy. Our nation is bleeding because of leakages. Certain vested interests who is benefiting from corruption is targeting Aadhaar.

From: Korath V Mathew

Posted: Oct 14, 2013 at 16:13 IST

The confusion about aadhaar being mandatory or not and the issue of giving aadhaar numbers to illegal immigrants are valid concerns. Aadhaar should not be made mandatory and direct cash transfers should co-exist with subsidized sales. Aadhaar numbers of illegal immigrants should be cancelled.

From: Mukesh

Posted: Oct 13, 2013 at 19:47 IST

The whole UIDAI scheme was ill-conceived, poorly planned and badly executed. From the time one got the form to enrol for data entry till the card was delivered was all bribe prone and smacked of total inefficiency. The people entrusted with collecting data did not know their jobs. My photo on the Aadhar card cannot be recognised. It is obvious that the franchisees for collecting data were chosen based on bribes. In spite of claims by the UIDAI authorities. I received the card after last a year after I threatened to raid the post offices who were hoarding cards for bribes. The linking of Aadhar numbers with bank accounts was another big fiasco There was no set procedure and the gas agencies were not interested in guiding their customers. It appeared that the government was interested in making it difficult so that the number of people getting subsidies is reduced. All in all this is a method of cheating people but yet claiming that subsidy has been given. You can not expect any better

From: S N IYER

Posted: Oct 13, 2013 at 11:12 IST

The whole scheme is designed to deny subsidised LPG to as much people as possible by such subterfuges as Aadhar and punish those who are poor for no fault of theirs. This is the net result to them of globalisation thrust on the country by the rulers in support of corporate capital.

From: KRam

Posted: Oct 13, 2013 at 8:48 IST

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